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RE_ NC Update, OD List Candidate RE_ NC & GA I...(1).pdf

RE_ NC Update, OD List Candidate RE_ NC & GA I....pdf

RE_ PLEASE REVIEW_ Draft Rational for CCR Place....pdf

RE_ Reference Materials for Call Today, Re_ Cha....pdf

Reference Materials for Call Today, Re_ Charahpdf

Region 4 Participants on today's call, per Char....pdf

CCR Open Dump List Issue - FW_ Correspondance w....pdf

Charah FW_ Duke .pdf

Charah Coal Ash Structural Fill Sites in Northpdf

Charah, Inc. Facilities in NC - RE_ Duke .pdf

Charah, Inc. Facilities_ BU or CCR Landfills un....pdf

Charah's Documents Sent to ORCR.pdf

Correspondance with EPA regarding Brickhaven Mi....pdf

For Charah, Inc. Call Today - additional document.pdf

FW_ BU documentation(1).pdf

FW_ BU documentation.pdf

FW_ CCR Open Dump List Issue - FW_ Correspondan....pdf

FW_ Correspondance with EPA regarding Brickhave....pdf

FW_ For Charah, Inc. Call Today - additional do....pdf

FW_ initial draft open dump inventory.pdf

FW_ NC Update, OD List Candidate RE_ NC & GA I...(1).pdf

FW_ NC Update, OD List Candidate RE_ NC & GA I...(2).pdf

FW_ NC Update, OD List Candidate RE_ NC & GA I...(3).pdf

FW_ NC Update, OD List Candidate RE_ NC & GA I....pdf

FW_ some more info on CCR _beneficial use_ pla...(1).pdf

FW_ some more info on CCR _beneficial use_ pla...(2).pdf

FW_ some more info on CCR _beneficial use_ pla....pdf

NC Update, OD List Candidate RE_ NC & GA Infopdf

Proper Name for... RE_ Brickhaven.pdf

RE_ BU documentation.pdf

RE_ Charah Coal Ash Structural Fill Sites in No...(1).pdf

RE_ Charah Coal Ash Structural Fill Sites in No...(2).pdf

RE_ Charah Coal Ash Structural Fill Sites in No....pdf

RE_ Charah, Inc. Facilities in NC - RE_ Duke (1).pdf

RE_ Charah, Inc. Facilities in NC - RE_ Duke (2).pdf

RE_ Charah, Inc. Facilities in NC - RE_ Duke .pdf

From: [Simonson, Davy](#)
To: [Chow, Rita](#)
Subject: RE: Issue Paper and Reference Materials for Today's Call at 3 pm Regarding Charah Facilities; PYS 6671; Call-In information [REDACTED]
Date: Thursday, August 11, 2016 2:31:00 PM

Impressive Rita. Thanks!

From: Chow, Rita
Sent: Thursday, August 11, 2016 12:51 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Subject: Issue Paper and Reference Materials for Today's Call at 3 pm Regarding Charah Facilities; PYS 6671; Call-In information (b)(5) [REDACTED]

Hello All,

In addition to the reference materials Davy forwarded, attached is an issue paper to help facilitate our discussion regarding the Charah site. For those in the building, we will be in **conference room PYS6671**.

Call in information: [REDACTED]

<< File: CCR Use ad Fill in Non-Coal Mines 8-11-16.docx >>

Thanks,

Rita

From: Simonson, Davy
Sent: Thursday, August 11, 2016 12:02 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: Reference Materials for Call Today, Re: Charah Facilities

Please see the two attachments, reference documents for today's call and for any future call/communications with Charah and/or NC DEQ.

DS << File: CCR - CharahBrickhavenPermitApplicationToNC-Appendix.pdf >> << File: CCR - 80 FR 21354 - Excavation-Fill-LF - Charah.pdf >>

The environmental fourth criterion requires a potential use of CCR to compare analogous products or to perform an environmental assessment evaluating whether releases to the environment are at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use. A demonstration should consider the development of a conceptual model to assist in the determination of whether the environmental criteria contained in the definition of the term "beneficial use of CCR" can be demonstrated. Numerous potential pathways exist and these should be evaluated as necessary depending on the potential application of the CCR. Potential exposure pathways include exposure to groundwater, surface water, air, and soils. Generation of dust, leaching to groundwater and surface water, inhalation of mercury, and plant uptake are areas that need to be evaluated. A complete evaluation of the types of releases, the types of exposure and the receptors that may be potentially affected by a potential application will need to be conducted. A screening comparison will need to be performed comparing the concentrations of individual constituents of potential concern to the following benchmarks: human soil ingestion, ecological soil, tap water ingestion, fish ingestion, surface water, sediment, and inhalation. As an example, a user could compare a mercury concentration to a human health screening benchmark with an inhalation value of 300 ng/m³. Existing documents that can be used to gain an understanding of conceptual models, pathways and regulatory limits include: *Risk Assessment Guidance for Superfund, Exposure Factors Handbook, Volumes I, II and III, Risk Assessment Guidance for Superfund Volume I: Human Health Evaluation Manual Part A, Industrial Waste Management Model (IWEM) Technical Backgrounds Document, Exposure Factors Handbook, Human and Ecological Risk Assessment of Coal Combustion Wastes*. In addition, although it is not directly applicable, a potential user of unencapsulated CCR may find it useful to consult the previously mentioned "*Coal Combustion Residual Beneficial Use Evaluation: Fly Ash Concrete and FGD Gypsum Wallboard*" and the "*Methodology for Evaluating Encapsulated Beneficial Uses of Coal Combustion Residuals*" to assist in the determination of whether the unencapsulated CCR is comparable to or lower than those from analogous

products made without CCR, or that environmental releases to groundwater, surface water, soil and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.

After the effective date of the final rule, any potential user of CCR that makes the demonstration in the fourth criterion must keep records and provide such documentation upon request.

b. Placement in Sand and Gravel Pits and Quarries

EPA proposed that, without exception, unencapsulated CCR placed in sand and gravel pits, and quarries should not constitute beneficial use, but disposal. The Agency highlighted a number of damage cases that involved the filling of old, unlined quarries or gravel pits with large quantities of unencapsulated CCR, under the guise of "beneficial use." Because of the damage cases and the concern that in such instances, sand and gravel pits and quarries were essentially operating as landfills, EPA proposed to define the placement of CCR in sand and gravel pits or quarries as land disposal that would be subject to regulation under either of the proposed regulatory options. The proposal specifically defined a *CCR landfill* as a disposal facility or part of a facility where CCR are placed in or on land and which is not a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit. **For purposes of this part, landfills also include piles, sand and gravel pits, quarries, and/or large scale fill operations. Sites that are excavated so that more coal ash can be used as fill are also considered CCR landfills.**

Commenters stated that there were numerous examples of harm caused by the unencapsulated "reuse" in sand and gravel pits and quarries, which demonstrate that these unencapsulated uses were merely disposal in disguise, and must be regulated stringently under Subtitle C of RCRA to prevent the risks they pose of contaminating groundwater, surface water, and ecological systems with heavy metals and other harmful pollutants. In particular, they argue that "There have already been at least 13 damage cases caused by the disposal of coal ash in sand and gravel pits or former quarries that led to contamination of water sources and/or ecological damages." Some commenters also agreed that placement in sand and gravel pits and quarries should not be considered

beneficial use. For example, one commenter agreed that CCR placement in sand and gravel pits and quarries is "disposal" and not beneficial use while another commenter wrote that it concurs that large-scale fills in quarries in poorly engineered applications can cause negative impacts. Other commenters highlighted that damage cases related to sand and gravel pits and quarries were old practices that no longer take place. These commenters argued that while sand and gravel quarries have been used to dispose of CCR, it is not correct to assume that with proper engineering and environmental standards that CCR cannot be used beneficially to reclaim quarries for uses such as recreational areas, commercial or industrial uses, or to aesthetically improve the characteristics of the land.

EPA is finalizing its proposal that placement of CCR in sand and gravel pits constitutes disposal, rather than beneficial use. The final definition of a CCR landfill explicitly includes placement of CCR in sand and gravel pits and quarries. EPA has adopted this approach because the practice has resulted in numerous damage cases as a result of the highly permeable strata typically present at such sites. Moreover, while the commenters may be correct that "with proper engineering measures, placement in sand and gravel pits and quarries can be conducted safely", they submitted no data to support this contention. The only engineering features the available information demonstrate would be protective are those that have been determined to be necessary for CCR landfills—i.e., composite liners and groundwater monitoring. And in the absence of these features, any future placement in sand and gravel pits and quarries could not meet the performance standard in the fourth criterion: i.e., that environmental releases to groundwater, surface water, soil and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.

B. Definitions

EPA proposed definitions for a number of key terms used in the proposed subtitle D rule that the Agency determined were necessary for the proper interpretation of the proposed requirements, e.g., *coal combustion residuals, existing CCR landfill*. (See 75 FR 35196–97, June 21, 2010.) In addition, EPA also proposed definitions for terms that were specific to certain regulatory requirements, e.g., *seismic impact zone*.

APPENDIX TO CHATHAM COUNTY APPLICATION

This document is attached as an appendix to the application (Application) being submitted by Charah, Inc. for the permitting, construction and operation of a facility in Chatham County (Facility) to receive coal combustion products (CCP) from one or more electric generating facilities operated by Duke Energy Progress, Inc. and Duke Energy Carolinas, LLC. For clarity, the applicant will only receive ash from Duke's North Carolina facilities. The purpose of this Appendix is to describe the goals and philosophy reflected in the Application, which is intended to comply with all applicable environmental standards, including both (1) Session Law 2014-122, which enacted the Coal Ash Management Act of 2014 as a part of its terms (collectively, CAMA); and (2) the rules regarding Hazardous and Solid Waste Management system: Disposal of Coal Combustion Residuals from Electric Utilities, promulgated by the United States Environmental Protection Agency (EPA) submitted for publication on December 19, 2014 (CCR Rules).

The Application is being submitted to the Division of Waste Management (DWM) of the North Carolina Department of Environment and Natural Resources to secure an individual permit (Permit) under G.S. § 130A-309.215 that would authorize the use of CCP as structural fill at the Facility to reclaim an open pit mine in accordance with G.S. § 130A-309.201(14). As such, the Application contains the information required under G.S. § 130A-309.215(b), which reflects the following:

- the design, construction and operational requirements in G.S. § 130A-309.216(a);
- the liner, leachate collection system, cap and groundwater monitoring system requirements in G.S. § 130A-309.216(b);
- the siting requirements under G.S. § 130A-309.216(c); and

- the financial assurance requirements of G.S. § 130A-309.217.

The Application also reflects, to the extent necessary or appropriate, efforts that will be required to comply with the remaining terms of Subpart 3 of CAMA and other applicable provisions of Chapter 130 of the North Carolina General Statutes and Title 15A of the North Carolina Administrative Code (NC Requirements).

While the Facility as proposed in the Application would meet the four (4) criteria applicable to unencapsulated beneficial use of the CCP, and the proposed use of the CCP as mine filling as a practical matter constitutes a beneficial use of the material, the Applicant will take the conservative approach of seeking compliance with the requirements of the applicable CCR Rules. While the Application requests a state permit from DWM under the NC Requirements, the Applicant is also voluntarily designing, siting, constructing, and operating the Facility in accordance with the CCR Rules including:

- location restrictions, including placement above the uppermost aquifer (40 CFR § 257.60), wetlands (40 CFR § 257.61), fault areas (40 CFR § 257.62), seismic impact zones (40 CFR § 257.63), and unstable areas (40 CFR § 257.64);
- design criteria (40 CFR § 257.70);
- operating criteria, including air criteria (40 CFR § 257.80), run-on and run-off controls (40 CFR § 257.81), inspection requirements (40 CFR § 257.84), groundwater monitoring and potential groundwater corrective actions (40 CFR §§ 257.90-257.98 and Appendices III and IV), and closure and post-closure care (40 CFR §§ 257.101-257.104); and
- recordkeeping (40 CFR § 257.105), notification (40 CFR § 257.106), and internet posting requirements (40 CFR § 257.107).

It is presumed that any Permit that DWM issues for the Facility based on the Application will be consistent with this approach and design philosophy.

monitoring and corrective action report specified under § 257.105(h)(1).

(2) Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).

(3) Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).

(4) Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).

(5) Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).

(6) Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).

(7) Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).

(8) Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).

(9) Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).

(10) Provide notification of the completion of the remedy specified under § 257.105(h)(13).

(i) *Closure and post-closure care.* The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site. The owner or operator must:

(1) Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).

(2) Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).

(3) Provide notification of closure completion specified under § 257.105(i)(3).

(4) Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).

(5) Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).

(6) Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).

(7) Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).

(8) Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).

(9) Provide notification of the deed notation as required by § 257.105(i)(9).

(10) Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).

(11) The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).

(12) Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).

(13) Provide notification of completion of post-closure care specified under § 257.105(i)(13).

(j) *Retrofit criteria.* The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site. The owner or operator must:

(1) Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).

(2) Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).

(3) The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).

(4) Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).

(5) Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).

(6) Provide notification of completion of retrofit activities specified under § 257.105(j)(6).

§ 257.107 Publicly accessible Internet site requirements.

(a) Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled "CCR Rule Compliance Data and Information."

(b) An owner or operator of more than one CCR unit subject to the provisions

of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.

(c) Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.

(d) Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.

(e) *Location restrictions.* The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.

(f) *Design criteria.* The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:

(1) Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).

(2) No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).

(3) The documentation of liner type specified under § 257.105(f)(2).

(4) The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).

(5) The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.

(6) Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).

(7) Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).

(8) The history of construction, and any revisions of it, specified under § 257.105(f)(9).

(9) The initial and periodic structural stability assessments specified under § 257.105(f)(10).

(10) The documentation detailing the corrective measures taken to remedy the

deficiency or release specified under § 257.105(f)(11).

(11) The initial and periodic safety factor assessments specified under § 257.105(f)(12).

(12) The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).

(g) *Operating criteria.* The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:

(1) The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.

(2) The annual CCR fugitive dust control report specified under § 257.105(g)(2).

(3) The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).

(4) The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).

(5) The periodic inspection reports specified under § 257.105(g)(6).

(6) The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).

(7) The periodic inspection reports specified under § 257.105(g)(9).

(h) *Groundwater monitoring and corrective action.* The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:

(1) The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).

(2) The groundwater monitoring system certification specified under § 257.105(h)(3).

(3) The selection of a statistical method certification specified under § 257.105(h)(4).

(4) The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).

(5) The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).

(6) The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).

(7) The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).

(8) The assessment of corrective measures specified under § 257.105(h)(10).

(9) The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.

(10) The notification that the remedy has been completed specified under § 257.105(h)(13).

(i) *Closure and post-closure care.* The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:

(1) The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).

(2) The annual progress reports of closure implementation specified under § 257.105(i)(2).

(3) The notification of closure completion specified under § 257.105(i)(3).

(4) The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).

(5) The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).

(6) The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).

(7) The notification of intent to close a CCR unit specified under § 257.105(i)(7).

(8) The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).

(9) The notification recording a notation on the deed as required by § 257.105(i)(9).

(10) The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).

(11) The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).

(12) The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).

(13) The notification of completion of post-closure care specified under § 257.105(i)(13).

(j) *Retrofit criteria.* The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:

(1) The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).

(2) The notification of intent to comply with the alternative retrofit

requirements as required by § 257.105(j)(2).

(3) The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).

(4) The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).

(5) The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5).

(6) The notification of completion of retrofit activities specified under § 257.105(j)(6).

■ 5. Amend part 257 by adding "Appendix III to Part 257" and "Appendix IV to Part 257" to read as follows:

Appendix III to Part 257—Constituents for Detection Monitoring

Common name ¹
Boron
Calcium
Chloride
Fluoride
pH
Sulfate
Total Dissolved Solids (TDS)

¹ Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

Appendix IV to Part 257—Constituents for Assessment Monitoring

Common name ¹
Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Cobalt
Fluoride
Lead
Lithium
Mercury
Molybdenum
Selenium
Thallium
Radium 226 and 228 combined

¹ Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 6. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

■ 7. Section 261.4 is amended by revising paragraph (b)(4) to read as follows:

From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Johnston, Jon](#)
Subject: RE: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit
Date: Tuesday, June 28, 2016 10:53:00 PM
Attachments: [image002.png](#)

Hi Mary.

I've not heard back from Mr. McGrath (Re: the NC Brickhaven disposal facility/their beneficial use exclusion determination document).

Also, I think you mean the **Crisp** County Plant in Georgia (i.e., Crisp County Power Commission). The Crist facility is a power plant in Florida that you have previously deemed to be in compliance. I have not gotten any recent updates from Georgia EPD about the Crisp County Power Commission plant and the status of their fugitive dust plan.

I'm on travel this week in Mississippi and will be looking at my emails only at evening/night time.

Davy

From: Jackson, Mary
Sent: Tuesday, June 28, 2016 2:13 PM
To: Simonson, Davy
Subject: RE: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit

Hey Davy,

Just wanted to let you know that July 1 is the cut off here for the Open Dump List. If you get info from these facilities later than that we can always add them to the list, but for the current list we are going to publish, we have to cut it off at some point or we'll never be able to publish it!

Let me know if anything changes with the Crist Plant...they are currently on the list b/c of no fugitive dust plan posted.

Thanks,

Mary

From: Simonson, Davy
Sent: Tuesday, June 14, 2016 5:27 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>
Cc: Mooney, Susan <mooney.susan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>
Subject: RE: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit

Importance: High

Good afternoon

This is a follow-up to my May 26th message (below) regarding the additional potential *FR* CCR Open Dump List candidate(s) in North Carolina.

Mr. Peter McGrath, an attorney with Moore & Van Allen PLLC in Charlotte, NC, has contacted me regarding the applicability of the federal CCR Rule to the Brickhaven (Chatham Co.) facility and, eventually, to the Colon (Lee Co.) facility. These two sites were permitted by NCDEQ as "Solid Waste Management Facility Structural Fill, Mine Reclamation" facilities. Mr. McGrath's firm represents Charah, Inc., operator of the two facilities. It is my understanding that Brickhaven currently receives CCR from two Duke Energy facilities and Colon has yet to receive CCR.

During a telephone conversation that I had this afternoon with Mr. McGrath, he indicated that Charah believes their facilities are exempt from the federal CCR rule requirements because they satisfy the four requisite criteria of "Beneficial Use of CCR". We did not get into details or specifics about how they reached their conclusion, but Mr. McGrath stated that a "commissioned study by an independent consultant" was/is the basis for Charah reaching their conclusion. I asked if the study was available to EPA for review, and he said he will be asking Charah to provide it for us.

Mr. McGrath and I agreed that the best path forward would be for EPA to review the study, followed by a conference call in the near future between him/his client, ORCR, Region 4 and NCDEQ personnel in order to discuss the conclusions reached in the consultant's study/report.

Mr. McGrath also asked, and I explained to him, about how and why the *FR* Open Dump list is required by the rule and its development. I also explained to him that ORCR will be able to provide more specific information about the status of any future *FR* OD notice when we have the conference call concerning the regulatory status of the two Charah facilities.

I will forward the study/report once I receive it from Mr. McGrath.

Davy

From: Simonson, Davy

Sent: Thursday, May 26, 2016 11:04 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

There is another disposal facility in North Carolina that appears to have not been included on any of the original HQ CCR rule facility universe lists (somewhat similar situation as the Halifax County Ash Landfill). It appears that this "new" facility may also be a potential candidate for the *FR* CCR Open Dump list due to not having a Website, etc.

Yesterday, Region 4 learned from NCDEQ that one of the two facilities in the State that was converted from a shale/clay mining pit to a lined CCR disposal facility, as permitted under the State's Coal Ash Management Act of 2014 (CAMA), was/is receiving CCR from Duke Energy. The facility receiving the CCR is known as Brickhaven, and is permitted by the State as a "Solid Waste Management Facility Structural Fill, Mine Reclamation". It is located in Moncure, Chatham County, NC. The other, known as the Colon facility and located in Sanford, Lee County, NC, is not yet receiving CCR, as confirmed by NCDEQ. Here are two links with additional information:

<http://deq.nc.gov/news/hot-topics/coal-ash-nc/moving-forward-coal-ash> ,
<http://www.chathamnc.org/index.aspx?page=1791> .

Background Info: The attached letter from Region 4 to the Blue Ridge Environmental Defense League (BREDL) addressed these two converted shale/clay mining pits and stated EPA's view that they are "subject to the applicable provisions" of the CCR rule. This is the letter that has the language (in paragraphs 2 and 3) that Region 4's Regional Counsel and ORCR Management (Betsy) collaborated on and agreed upon, and that Region 4 shared with the EPA CCR Rule Implementation Workgroup for other regions to use, if/as needed.

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facility is exempt from the federal CCR rule to us for review. Upon receipt, I will forward that information to ORCR.

Davy

From: Simonson, Davy

Sent: Thursday, April 28, 2016 8:39 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

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Update from North Carolina DEQ:

- Halifax County Ash Monofill, which accepts Roanoke Valley Energy Facilities' CCR, is subject to the federal rule and belongs on the EPA Open Dump list as it currently does not have the requisite Website. The landfill reportedly was unaware (Roanoke apparently did not inform them) of their responsibilities in accepting CCR. The State is working with the landfill o/o to help them out. Future inquiries to NC regarding CCR rule issues and/or the State's Coal Ash Management Act of 2014 (CAMA) should be directed to R4's primary solid waste contact in NC, Ed Mussler (919-707-8281), DEQ's SW Permitting Branch Supervisor.

Update from Georgia EPD:

- Georgia Power Company has confirmed to EPD that their Grumman Road landfill "ceased receiving CCRs before 10/14/15". Thus, it does not belong on EPA's OD list.
- The Crisp County Power Commission's "Crisp Plant" is another facility, similar to the Halifax County Ash Monofill in NC, that apparently was unaware of the federal CCR rule. Georgia EPD has requested that EPA/ORCR provide assistance with determining whether or not the facility is subject to the rule. If the facility is, then the Crisp Plant does belong on the EPA OD list as it currently does not have the requisite Website. (Details on the Crisp Plant and EPD's request to follow in a separate email.)

From: Simonson, Davy

Sent: Wednesday, April 27, 2016 7:37 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

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Subject: GA Info - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Georgia EPD has provided the following information to Region 4 via email and telephone conversation:

Plant Crisp (i.e., Crisp County, GA) – Georgia EPD has confirmed with an engineer at Plant Crisp that they have not created a website. There is an ash pond onsite still containing water, so it appears that the facility is subject to the federal CCR rule. "They are aware that they missed compliance requirements and are currently working with their consultant ... on how to proceed."

- The facility appears to have not been fully aware of the CCR rule and its requirements.
- R4 has asked GA EPD to follow-up with the facility and/or their consultant to confirm that their fuel mix is >50% coal (per 257.50(f)), and to inquire as to whether any CCR has been/is being sent to any off-site facility that may potentially also be subject to the rule.

Plant Kraft (Georgia Power, Southern Company) - Ash from Plant Kraft has been disposed at the following three facilities:

1. Georgia Power's Grumman Road Landfill
2. Waste Management - Superior Landfill

3. Republic Waste - Savannah Regional Landfill

- Grumman Road Landfill is not an MSWLF. Region 4 has asked GA EPD to follow-up with Georgia Power in order to determine the dates of Kraft plant CCR disposal at this landfill, and also whether this landfill has accepted CCR from any other plants on or after 10/19/15. GA EPD does not believe it has a website. R4 will notify ORCR upon receipt of additional information from the State.
- Both the Superior LF and the Savannah Regional LF are confirmed by GA EPD to be MSWLFs.
- As noted earlier, Plant Kraft itself is exempt from the rule as it ceased generating power prior to 10/19/15.

From: Simonson, Davy

Sent: Tuesday, April 26, 2016 10:12 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in south central Georgia (off I-75 near Cordele and Lake Blackshear). Here's their website, <https://crispcountypower.com/>. I am still waiting to hear back from Georgia EPD about coal use and coal ash disposition for the Crisp County plant, since the State reportedly had no previous regulatory involvement with them. It could be that coal is <50% of the fuel burned (?). Crisp started out 100% hydroelectric, up until 1957, according to this: https://en.wikipedia.org/wiki/Crisp_County_Power_Commission.

I have not yet heard back from NC DEQ about the Halifax disposal facility. I'll provide updates once I hear back from GA (Crisp and Kraft's plan) and NC (Roanoke/Halifax).

From: Jackson, Mary

Sent: Tuesday, April 26, 2016 8:19 AM

To: Simonson, Davy <Simonson.Davy@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Davey,

Thank you. Just to confirm:

Northside (FL) will be removed as will Stanton (FL)

Kraft (GA) will be removed

Could Crisp Plant be Crist Plant? I found a website for Crist Plant <http://www.gulfpower.com/about-us/background/coal-ash-rule.cshtml> Is this the same plant?

Roanoke Valley I and II (NC) will be removed. Any info you could get on Halifax County Ash Monofill would be appreciated.

Roxboro, Southport and the DOE facility will all be removed from the list.

Thanks again for all your help. Let me know if you come up with anything on the Halifax County Monofill.

From: Simonson, Davy

Sent: Monday, April 25, 2016 1:53 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's

Anyhoo, please see my comments on the spreadsheet and below, to help clarify which ones may legitimately belong and which apparently do not belong. GA, NC and SC are still investigating a few items for us (noted below), and I'll forward that information upon receipt.

[illegible]

Davy

From: Simonson, Davy

Sent: Wednesday, April 20, 2016 1:16 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: FW: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Mary,

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as “Plants Without Websites”. I’ve attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

AL:

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.
- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on this, so I included most folks I know are on ORCR's CCR team in one capacity or another.

I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states' spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

FL:

- The OUC (Stanton) facility has a website. The link is: www.oucccr.com .
- The Polk (Lakeland Electric) facility has a website. The link is <https://www.lakelandelectric.com/Portals/LakelandElectric/Docs/Publications/WEB%20Version%201%20-%20CCR%20Fugitive%20Dust%20-PE%20Signed%20-%20MPP%202015%20w-Cover%20Sheet.pdf> .
- The JEA Northside Generating Station does not have a website because this facility burns 80% "petcoke" and as a result, the facility has determined that the CCR rule does not apply to this facility. This facility is still in operation, and operates under various permits issued by the FDEP. The FDEP is not aware of any plans for closure of this facility.
- Follow up questions for Florida facilities can be directed to Jim Jarmolowski, P.G., FDEP Solid Waste Section, 850-245-8856.

GA:

- Revisions are highlighted in the attached spreadsheet. Georgia EPD confirmed with Georgia Power Company that Plant Kraft closed before the deadline in the CCR rule. They will be fully removing the waste to another site.
- Follow up questions for Georgia facilities can be directed to Melanie Henry, P.E., EPD Solid Waste Management Program, 404-362-2565.

KY:

- See attached revised spreadsheet; Changes are in yellow highlight.
- Follow up questions for Kentucky facilities can be directed to Danny Anderson, P.E., KDEP/DWM Solid Waste Branch, 502-564-6716 ext. 4664

MS:

- The Red Hills Generation facility's Web information is at <http://cglplllpccr.com/> .
- The Henderson plant has not burned coal in a number of years, and so that plant does not generate CCR

any longer.

- The Jack Watson Plant in Gulfport has also transitioned to natural gas and no longer burns coal. Mississippi Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.
- Follow up questions for Mississippi facilities can be directed to Mark Williams, P.E., MDEQ Solid Waste & Recycling Programs, 601-961-5304.

NC:

- Updated the spreadsheet (revisions are not highlighted, so information in the attached spreadsheet will need to be compared to ORCR's original spreadsheet). From information in email exchanges, they: Added a "NC DEQ Comment" column; Crossed out one Website; Moved one facility to the non-Website page, since it does not have onsite storage; Also, added additional information about some of the facilities.
- State is not sure that all of the listed facilities fall under the definition of utility subject to the federal CCR rule – thus, why they likely do not have websites (all of the Duke/Progress Energy ones do).
- Comments from State: Facilities only have to have Websites if: 1) they are currently generating power from any fuel source, and 2) actually have a landfill or impoundment. The utility must fall under NAICS code 221112. State assuming that ORCR pulled the smaller guys from there.
- Follow up questions for North Carolina facilities can be directed to Shawn McKee, Environmental Senior Specialist, NC DEQ/DWM Solid Waste Section, 919-707-8284.

SC:

- The "Plants with CCR Websites" inventory is complete, i.e., all eight sites in SC which are subject to the CCR Rule are accounted for on EPA's list:
 1. Cope (SCANA)
 2. Cross (Santee Cooper)
 3. HB Robinson (Duke)
 4. Jefferies (Santee Cooper)
 5. WS Lee (Duke)
 6. Wateree (SCANA)
 7. Williams (SCANA)
 8. Winyah (Santee Cooper)
- For the "Plants without CCR Websites" tab, SC updated the "Reason for No Website" column for both Urquhart (SCANA) and Savannah River Site (US DOE) to reflect the following:
 - Urquhart (SCANA) is not subject to the CCR rule because its only CCR disposal units, two surface impoundments and one landfill, have been closed by DHEC, and the plant is no longer burning coal. The surface impoundments were clean-closed in 2012, and the landfill was placed in post-closure care in 2012.
 - US DOE Savannah River Site (D Area) is not subject to the CCR rule because, per §257.50(b), only "units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers" are subject to the rule. Savannah River Site is neither an electric utility nor an independent power producer.
- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

Hello Regional SWMP Workgroup Members,

Attached is a spreadsheet that includes a page entitled Plants without CCR Websites. As I mentioned on the last workgroup call, ORCR is required to publish a list of open dumps this spring for the CCR rule. An open dump is a CCR unit that is not in compliance with the rule. The current requirements for posting on the public website are 1) posting the website; 2) posting a fugitive dust control plan and 3) for some units, posting their first annual inspection report.

I am asking for your help in looking at those facilities that we thought were subject to the rule for which we cannot find websites. I am hoping you will ask your state contacts about these facilities. For some we know why they don't have a website (see the explanation in that column), but for others we are not sure. We just want to know if the state might have any information about them, i.e., whether they are still in operation, whether they have no on-site CCR landfills or surface impoundments, or whether we should expect them to have a website (i.e., they are subject to the rule). I am also attaching 257.50 which explains who is subject to the rule, in case you have questions. Also, here is a link to some frequently asked questions about who is subject to the rule:

<https://www.epa.gov/coalash/frequent-questions-about-scope-and-purpose-and-implementing-final-rule-regulating-disposal>

If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Jackson, Mary](#); [Souders, Steve](#); [Livnat, Alexander](#); [Eby, Elaine](#); [Dufficy, Craig](#); [Chow, Rita](#); [Johnston, Jon](#); [Farmer, Alan](#)
Cc: [Mooney, Susan](#); [Devlin, Betsy](#); [Pallas, Jeff](#); [Bassett, Jay](#); [Simonson, Davy](#)
Subject: RE: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Website")
Date: Tuesday, June 14, 2016 5:27:00 PM
Attachments: [image002.png](#)
[Citizen-BREDL-NC-Control-Vick Final 3-3-16.pdf](#)
Importance: High

Good afternoon

This is a follow-up to my May 26th message (below) regarding the additional potential *FR* CCR Open Dump List candidate(s) in North Carolina.

Mr. Peter McGrath, an attorney with Moore & Van Allen PLLC in Charlotte, NC, has contacted me regarding the applicability of the federal CCR Rule to the Brickhaven (Chatham Co.) facility and, eventually, to the Colon (Lee Co.) facility. These two sites were permitted by NCDEQ as "Solid Waste Management Facility Structural Fill, Mine Reclamation" facilities. Mr. McGrath's firm represents Charah, Inc., operator of the two facilities. It is my understanding that Brickhaven currently receives CCR from two Duke Energy facilities and Colon has yet to receive CCR.

During a telephone conversation that I had this afternoon with Mr. McGrath, he indicated that Charah believes their facilities are exempt from the federal CCR rule requirements because they satisfy the four requisite criteria of "Beneficial Use of CCR". We did not get into details or specifics about how they reached their conclusion, but Mr. McGrath stated that a "commissioned study by an independent consultant" was/is the basis for Charah reaching their conclusion. I asked if the study was available to EPA for review, and he said he will be asking Charah to provide it for us.

Mr. McGrath and I agreed that the best path forward would be for EPA to review the study, followed by a conference call in the near future between him/his client, ORCR, Region 4 and NCDEQ personnel in order to discuss the conclusions reached in the consultant's study/report.

Mr. McGrath also asked, and I explained to him, about how and why the *FR* Open Dump list is required by the rule and its development. I also explained to him that ORCR will be able to provide more specific information about the status of any future *FR* OD notice when we have the conference call concerning the regulatory status of the two Charah facilities.

I will forward the study/report once I receive it from Mr. McGrath.

Davy

From: Simonson, Davy
Sent: Thursday, May 26, 2016 11:04 AM
To: Jackson, Mary
Cc: Souders, Steve ; Livnat, Alexander ; Eby, Elaine ; Dufficy, Craig ; Chow, Rita ; Johnston, Jon ; Mooney, Susan ; Farmer, Alan ; Devlin, Betsy ; Pallas, Jeff ; Bassett, Jay ; Simonson, Davy
Subject: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

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Plant Crisp (i.e., Crisp County, GA) – Georgia EPD has confirmed with an engineer at Plant Crisp that they have not created a website. There is an ash pond onsite still containing water, so it appears that the facility is subject to the federal CCR rule. “They are aware that they missed compliance requirements and are currently working with their consultant ... on how to proceed.”

- The facility appears to have not been fully aware of the CCR rule and its requirements.
- R4 has asked GA EPD to follow-up with the facility and/or their consultant to confirm that their fuel mix is >50% coal (per 257.50(f)), and to inquire as to whether any CCR has been/is being sent to any off-site facility that may potentially also be subject to the rule.

Plant Kraft (Georgia Power, Southern Company) - Ash from Plant Kraft has been disposed at the following three facilities:

1. Georgia Power’s Grumman Road Landfill
 2. Waste Management - Superior Landfill
 3. Republic Waste - Savannah Regional Landfill
- Grumman Road Landfill is not an MSWLF. Region 4 has asked GA EPD to follow-up with Georgia Power in order to determine the dates of Kraft plant CCR disposal at this landfill, and also whether this landfill has accepted CCR from any other plants on or after 10/19/15. GA EPD does not believe it has a website. R4 will notify ORCR upon receipt of additional information from the State.
 - Both the Superior LF and the Savannah Regional LF are confirmed by GA EPD to be MSWLFs.
 - As noted earlier, Plant Kraft itself is exempt from the rule as it ceased generating power prior to 10/19/15.

From: Simonson, Davy

Sent: Tuesday, April 26, 2016 10:12 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in south central Georgia (off I-75 near Cordele and Lake Blackshear). Here’s their website, <https://crispcountypower.com/>. I am still waiting to hear back from Georgia EPD about coal use and coal ash disposition for the Crisp County plant, since the State reportedly had no previous regulatory involvement with them. It could be that coal is <50% of the fuel burned (?). Crisp started out 100% hydroelectric, up until 1957, according to this: https://en.wikipedia.org/wiki/Crisp_County_Power_Commission.

I have not yet heard back from NC DEQ about the Halifax disposal facility. I’ll provide updates once I hear back from GA (Crisp and Kraft’s plan) and NC (Roanoke/Halifax).

From: Jackson, Mary

Sent: Tuesday, April 26, 2016 8:19 AM

To: Simonson, Davy <Simonson.Davy@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Davey,

Thank you. Just to confirm:

Northside (FL) will be removed as will Stanton (FL)

Thanks again for all your help. Let me know if you come up with anything on the Halifax County Monofill.

Anyhoo, please see my comments on the spreadsheet and below, to help clarify which ones may legitimately belong and which apparently do not belong. GA, NC and SC are still investigating a few items for us (noted below), and I'll forward that information upon receipt.

[illegible]

Davy

From: Simonson, Davy

Sent: Wednesday, April 20, 2016 1:16 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: FW: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Mary,

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as "Plants Without Websites". I've attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

AL:

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.
- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on this, so I included most folks I know are on ORCR's CCR team in one capacity or another.

I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states' spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

FL:

- The OUC (Stanton) facility has a website. The link is: www.oucccr.com .
- The Polk (Lakeland Electric) facility has a website. The link is <https://www.lakelandelectric.com/Portals/LakelandElectric/Docs/Publications/WEB%20Version%201%20-%20CCR%20Fugitive%20Dust%20-PE%20Signed%20-%20MPP%202015%20w-Cover%20Sheet.pdf> .
- The JEA Northside Generating Station does not have a website because this facility burns 80% "petcoke" and as a result, the facility has determined that the CCR rule does not apply to this facility. This facility is still in operation, and operates under various permits issued by the FDEP. The FDEP is not aware of any plans for closure of this facility.
- Follow up questions for Florida facilities can be directed to Jim Jarmolowski, P.G., FDEP Solid Waste Section,

850-245-8856.

GA:

- Revisions are highlighted in the attached spreadsheet. Georgia EPD confirmed with Georgia Power Company that Plant Kraft closed before the deadline in the CCR rule. They will be fully removing the waste to another site.
- Follow up questions for Georgia facilities can be directed to Melanie Henry, P.E., EPD Solid Waste Management Program, 404-362-2565.

KY:

- See attached revised spreadsheet; Changes are in yellow highlight.
- Follow up questions for Kentucky facilities can be directed to Danny Anderson, P.E., KDEP/DWM Solid Waste Branch, 502-564-6716 ext. 4664

MS:

- The Red Hills Generation facility's Web information is at <http://cglplllpccr.com/>.
- The Henderson plant has not burned coal in a number of years, and so that plant does not generate CCR any longer.
- The Jack Watson Plant in Gulfport has also transitioned to natural gas and no longer burns coal. Mississippi Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.
- Follow up questions for Mississippi facilities can be directed to Mark Williams, P.E., MDEQ Solid Waste & Recycling Programs, 601-961-5304.

NC:

- Updated the spreadsheet (revisions are not highlighted, so information in the attached spreadsheet will need to be compared to ORCR's original spreadsheet). From information in email exchanges, they: Added a "NC DEQ Comment" column; Crossed out one Website; Moved one facility to the non-Website page, since it does not have onsite storage; Also, added additional information about some of the facilities.
- State is not sure that all of the listed facilities fall under the definition of utility subject to the federal CCR rule – thus, why they likely do not have websites (all of the Duke/Progress Energy ones do).
- Comments from State: Facilities only have to have Websites if: 1) they are currently generating power from any fuel source, and 2) actually have a landfill or impoundment. The utility must fall under NAICS code 221112. State assuming that ORCR pulled the smaller guys from there.
- Follow up questions for North Carolina facilities can be directed to Shawn McKee, Environmental Senior Specialist, NC DEQ/DWM Solid Waste Section, 919-707-8284.

SC:

- The "Plants with CCR Websites" inventory is complete, i.e., all eight sites in SC which are subject to the CCR Rule are accounted for on EPA's list:
 1. Cope (SCANA)
 2. Cross (Santee Cooper)
 3. HB Robinson (Duke)
 4. Jefferies (Santee Cooper)
 5. WS Lee (Duke)
 6. Wateree (SCANA)
 7. Williams (SCANA)
 8. Winyah (Santee Cooper)
- For the "Plants without CCR Websites" tab, SC updated the "Reason for No Website" column for both Urquhart (SCANA) and Savannah River Site (US DOE) to reflect the following:
 - Urquhart (SCANA) is not subject to the CCR rule because its only CCR disposal units, two surface impoundments and one landfill, have been closed by DHEC, and the plant is no longer burning coal. The surface impoundments were clean-closed in 2012, and the landfill was placed in post-closure care in 2012.

- US DOE Savannah River Site (D Area) is not subject to the CCR rule because, per §257.50(b), only “units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers” are subject to the rule. Savannah River Site is neither an electric utility nor an independent power producer.
- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist
Resource Conservation and Restoration Division | Region 4
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

Hello Regional SWMP Workgroup Members,

Attached is a spreadsheet that includes a page entitled Plants without CCR Websites. As I mentioned on the last workgroup call, ORCR is required to publish a list of open dumps this spring for the CCR rule. An open dump is a CCR unit that is not in compliance with the rule. The current requirements for posting on the public website are 1) posting the website; 2) posting a fugitive dust control plan and 3) for some units, posting their first annual inspection report.

I am asking for your help in looking at those facilities that we thought were subject to the rule for which we cannot find websites. I am hoping you will ask your state contacts about these facilities. For some we know why they don't have a website (see the explanation in that column), but for others we are not sure. We just want to know if the state might have any information about them, i.e., whether they are still in operation, whether they have no on-site CCR landfills or surface impoundments, or whether we should expect them to have a website (i.e., they are subject to the rule). I am also attaching 257.50 which explains who is subject to the rule, in case you have questions. Also, here is a link to some frequently asked questions about who is subject to the rule:

<https://www.epa.gov/coalash/frequent-questions-about-scope-and-purpose-and-implementing-final-rule-regulating-disposal>

If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Jackson, Mary](#); [Chow, Rita](#); [Atagi, Tracy](#); [Celeste, Laurel](#)
Cc: [Devlin, Betsy](#); [Coleman, Cheryl](#); [Elliott, Ross](#); [Mooney, Charlotte](#); [Villamizar, Nicole](#); [Behan, Frank](#); [Johnston, Jon](#); [Simonson, Davy](#)
Subject: RE: PLEASE REVIEW: Draft Rational for CCR Placed in Quarries is a Landfill Subject to the Rule
Date: Wednesday, August 24, 2016 4:13:00 PM

Additional clarification/information, Re: Charah facilities' status accepting waste:

Charah's Brickhaven solid waste management facility in Chatham County, NC is currently accepting CCR.

Charah's Colon solid waste management facility in Lee County, NC is not yet accepting CCR (to R4's knowledge). But, when it does, it will likely be in a similar situation as the Brickhaven facility (i.e., subject to the federal CCR rule).

-----Original Message-----

From: Jackson, Mary
Sent: Wednesday, August 24, 2016 3:26 PM
To: Chow, Rita <Chow.Rita@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Celeste, Laurel <celeste.laurel@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>
Subject: RE: PLEASE REVIEW: Draft Rational for CCR Placed in Quarries is a Landfill Subject to the Rule

Just so we are all clear,

My thinking in setting up the call with Charra for tomorrow is to tell them that under our CCR rule they are considered a landfill. As such, they have to comply with the rule. Assuming they are currently accepting waste (which I believe they are from conversations with R4, who will also be on the call); they will be put on the draft open dump list and will be expected to comply with all other requirements in the rule. I will also be glad to tell them that they are considered an open dump b/c they have not developed a website or posted a fugitive dust plan. Being included on the open dump list has nothing to do with when or how they provided us with their documentation regarding their BU claim. It also does not mean they are "open dumping". Further, if they can develop a CCR compliance website and post their fugitive dust plan during the comment period (30 days) from the posting of the draft open dump list, they will be removed from the list. I will explain that we will reevaluate the list periodically based on additional regulatory requirements coming due.

From: Chow, Rita
Sent: Wednesday, August 24, 2016 3:18 PM
To: Atagi, Tracy; Celeste, Laurel
Cc: Devlin, Betsy; Coleman, Cheryl; Elliott, Ross; Mooney, Charlotte; Villamizar, Nicole; Jackson, Mary; Behan, Frank; Cochran, Kimberly
Subject: PLEASE REVIEW: Draft Rational for CCR Placed in Quarries is a Landfill Subject to the Rule

(b) (5)

[REDACTED]

[REDACTED]

(b) (5)

[REDACTED]

[REDACTED]

From: [Simonson, Davy](#)
To: [Livnat, Alexander](#); [Jackson, Mary](#); [Souders, Steve](#); [Chow, Rita](#); [Mills, Jason](#); [Elliott, Ross](#); [Behan, Frank](#); [Devlin, Betsy](#); [Johnston, Jon](#)
Subject: RE: Reference Materials for Call Today, Re: Charah Facilities
Date: Thursday, August 11, 2016 2:44:00 PM

Thanks Alex. That is the conclusion that NC's SW permit chief and I have reached, per the highlighted sentence on pg. 21354 of the FR.....i.e., regardless of the BU considerations.
NC DEQ has stated that the facility has/will be removing clay/shale from the mining pit (reportedly to use onsite, not to sell as a material) and then filling that space in with CCR. Landfill.

From: Livnat, Alexander
Sent: Thursday, August 11, 2016 1:48 PM
To: Simonson, Davy ; Jackson, Mary ; Souders, Steve ; Chow, Rita ; Mills, Jason ; Elliott, Ross ; Behan, Frank ; Devlin, Betsy ; Johnston, Jon
Subject: RE: Reference Materials for Call Today, Re: Charah Facilities

(b) (5)



Alexander Livnat, Ph.D
Environmental Scientist
EPA's Office of Resource Conservation and Recovery/OSWER
1200 Pennsylvania Ave., NW (5304P)
Washington, DC 20460
703-308-7251
livnat.alexander@epa.gov
Actual/Courier: One Potomac Yard
2777 S. Crystal Drive
6th Floor, Cubicle #6826
Arlington, VA 22202-3553

From: Simonson, Davy
Sent: Thursday, August 11, 2016 12:02 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: Reference Materials for Call Today, Re: Charah Facilities
Please see the two attachments, reference documents for today's call and for any future call/communications with Charah and/or NC DEQ.

DS

From: [Simonson, Davy](#)
To: [Jackson, Mary](#); [Livnat, Alexander](#); [Souders, Steve](#); [Chow, Rita](#); [Mills, Jason](#); [Elliott, Ross](#); [Behan, Frank](#); [Devlin, Betsy](#); [Johnston, Jon](#); [Simonson, Davy](#)
Subject: Reference Materials for Call Today, Re: Charah Facilities
Date: Thursday, August 11, 2016 12:01:00 PM
Attachments: [CCR - CharahBrickhavenPermitApplicationToNC-Appendix.pdf](#)
[CCR - 80 FR 21354 - Excavation-Fill-LF - Charah.pdf](#)

Please see the two attachments, reference documents for today's call and for any future call/communications with Charah and/or NC DEQ.

DS

From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Chow, Rita](#); [Celeste, Laurel](#); [Johnston, Jon](#)
Subject: Region 4 Participants on today's call, per Charah's Request....
Date: Thursday, August 25, 2016 9:41:00 AM

Davy Simonson
Senior Solid Waste Specialist
U.S. EPA Region 4, Atlanta
Jon Johnston, Chief
Materials & Waste Management Branch
U.S. EPA Region 4, Atlanta

From: [Simonson, Davy](#)
To: [Jackson, Mary](#); [Souders, Steve](#); [Chow, Rita](#); [Livnat, Alexander](#); [Eby, Elaine](#); [Dufficy, Craig](#); [Behan, Frank](#); [Devlin, Betsy](#)
Cc: [Johnston, Jon](#); [Farmer, Alan](#); [Pallas, Jeff](#); [Bassett, Jay](#); [Mooney, Susan](#); [Simonson, Davy](#)
Subject: CCR Open Dump List Issue - FW: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC
Date: Wednesday, July 20, 2016 1:08:00 PM
Attachments: [Stanislaus Letter 6 23 16.pdf](#)
[image001.png](#)
Importance: High

Good afternoon.

The email below (w/ attached letter) is the first communication that I have received/seen from Charah, Inc. since I spoke with their outside attorney, Mr. Peter McGrath, on June 14, 2016. (Immediately following this email I will forward/resend my previous email, from 6/14/16, summarizing my conversation with Mr. McGrath.)

Has OLEM/ORCR responded to (or even seen) the attached letter from Mr. Danny Gray of Charah, Inc. to Mathy Stanislaus dated June 23, 2016? It simply states that the facility meets the federal criteria at 257.53 (Definitions) for beneficial use. The company's letter asks EPA to "directly clarify a provision in the Coal Ash Rule" in writing (i.e., the beneficial use exemption) so as to confirm that the facility is not subject to certain requirements of the CCR Rule, such as those required of a CCR landfill. (b) (5)

Davy Simonson | Solid Waste Specialist
Resource Conservation and Restoration Division | Region 4
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Norman Divers [mailto:ndivers@charah.com]
Sent: Wednesday, July 20, 2016 8:40 AM
To: Simonson, Davy

Cc: Danny Gray ; Glenn Amey, PG

Subject: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project,
Moncure NC

Mr. Simonson:

I am writing to coordinate with you, correspondence that has been provided to EPA central office regarding the project noted above. Charah is aware of your discussions with staff at the NC Division of Waste Management and have offered the attached for EPA's consideration.

Please coordinate with the EPA Region IV staff as well as the central office as necessary.

Regards,

Norman

Norman Divers

Engineering & Environmental Manager | Charah, Inc.

Mobile: 502-475-0725 | Office: 704-731-2300 | Direct: 704-731-2203 | Fax: 866-728-2444 |

ndivers@charah.com | <http://www.charah.com> | <http://www.sul4r-plus.com>

From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: Charah FW: Duke
Date: Wednesday, August 10, 2016 4:39:00 PM

Jon – first of several emails I’m forwarding to you in preparation for tomorrow’s call on Charah’s sites in NC....

From: Livnat, Alexander
Sent: Tuesday, July 26, 2016 9:02 AM
To: Hoffman, Stephen
Cc: Chow, Rita ; Souders, Steve ; Simonson, Davy ; Jackson, Mary ; Schoenborn, William ; Benware, Richard ; Behan, Frank
Subject: RE: Duke

Hi Steve,

Notwithstanding my quick (hasty) yesterday’s response to you, the issue of whether the placement of CCR in the Colon open clay pit (and similar others) counts as BU or disposal in a “new LF” is still under deliberation. Consequently, until further notice, please disregard my yesterday’s message. I will let you know once we reach a resolution.

Alexander Livnat, Ph.D
Environmental Scientist
EPA's Office of Resource Conservation and Recovery/OSWER
1200 Pennsylvania Ave., NW (5304P)
Washington, DC 20460
703-308-7251
livnat.alexander@epa.gov
Actual/Courier: One Potomac Yard
2777 S. Crystal Drive
6th Floor, Cubicle #6826
Arlington, VA 22202-3553

From: Hoffman, Stephen [<mailto:Stephen.Hoffman@tetrattech.com>]
Sent: Monday, July 25, 2016 5:59 PM
To: Livnat, Alexander <Livnat.Alexander@epa.gov>
Subject: RE: Duke

Thanks looks like these mines mined clay

From: Livnat, Alexander [<mailto:Livnat.Alexander@epa.gov>]
Sent: Monday, July 25, 2016 5:38 PM
To: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>
Cc: Souders, Steve <Souders.Steve@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Schoenborn, William <Schoenborn.William@epa.gov>
Subject: Re: Duke

Steve,

Since the issue you have presented deals with EPA's R4, I have copied Dave Simonson, who I believe was involved in similar disposal permitting issues in North Carolina. Nowhere in the NCDENR permit you have attached is it stated what type of material has been mined in the Colon Mine: if coal, then the placement of CCR is not subject to the authority of

the CCR Rule; however, if this is an open pit from which other-than-coal type of material has been extracted (e.g., clay, carbonates for aggregate, etc.), then structural fill at this type of site is not considered BU but rather disposal. Since the permit was issued on June 5, 2015, this operation would constitute a new (Post-April 2015) disposal site, which would be subject to the Rule's requirements for new CCR LFs, including siting, liners, and groundwater monitoring. While siting considerations such as maintaining a minimum separation of 5 feet between the bottom of the pit and the top of the aquifer, or a requirement for an appropriate liner are nowhere mentioned in the NCDENR permit, groundwater monitoring *is* required by the permit.

As to the economics of CCR removal, I suggest you contact Richard Benware and ask him to direct you to one of their economists for guidance.

Take care,
Alex Livnat

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Sent: Monday, July 25, 2016 4:10:46 PM

To: Livnat, Alexander

Subject: Duke

I am doing some work (as a TetraTech consultant) for Region 5 on proposed CCR disposal. I am now reading up on what Duke is proposing and it appears they are placing CCR as "structural fill" in a mine. Please take a look at the NC permit. Am I correct that the CCR rule did not allow this or am I mistaken? I maalso trnung to run down actual costs of excavating CCR and disposal off site. Who do I talk to at ORCR?

Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

Mobile: 703-402-6317

45610 Woodland Road, Suite 400

Sterling, VA 20166

Stephen.Hoffman@tetrattech.com

Tetra Tech | Complex World, Clear Solutions

www.tetrattech.com

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From: [Peter McGrath](#)
To: [Simonson_Davy](#)
Subject: Charah Coal Ash Structural Fill Sites in North Carolina
Date: Wednesday, June 08, 2016 3:37:38 PM

Mr. Simonson:

I hope all is well with you. This firm represents Charah, Inc. in connection with the coal ash structural fill sites Charah operates in Lee and Chatham counties in North Carolina. I would like to discuss the status of those sites with you. Do you have any availability tomorrow or Friday for a call?

Best regards,

Peter

Peter J. McGrath, Jr. | Attorney at Law | mcgrathp@mvalaw.com | 704 331 1081 | Fax: 704 378 2081

Moore & Van Allen PLLC | Suite 4700 | 100 North Tryon Street | Charlotte, NC 28202

[Bio](#)



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From: [Simonson, Davy](#)
To: [Livnat, Alexander](#)
Cc: [Souders, Steve](#); [Benware, Richard](#); [Schoenborn, William](#); [Chow, Rita](#); [Behan, Frank](#); [Jackson, Mary](#); [Johnston, Jon](#); [Simonson, Davy](#)
Subject: Charah, Inc. Facilities in NC - RE: Duke
Date: Monday, July 25, 2016 10:11:00 PM
Importance: High

Hi Alex.

Your second paragraph below, in response to Steve Hoffman's request (please note I did not cc Steve H. here, as this discussion is internal to EPA), is critical to the issue(s) that I sent an email about to ORCR and OGC last week, Re: candidates for future EPA CCR Open Dump Lists and beneficial use determinations (State vs. fed) for two North Carolina clay/shale mining pits converted to CCR disposal.

The o/o of the two facilities, Charah, Inc., considers them to be "off site BU projects" and seem to have assumed that what the State has permitted under NC's Coal Ash Management Act (CAMA) of 2014, to be BU under the federal CCR Rule. Charah, Inc. has written a letter (6/23/16) to Mathy Stanislaus looking for a response letter from HQ that could possibly, (b) (5)

[REDACTED]

Please give me a call to discuss this further after you have had a chance to read the attachments to my 7/21/16 ~3:40 pm email (Subject line "...CCR Open Dump List Issue..."). I'm copying Rita and Frank on this since they are involved with drafting the response letter to Charah, Inc., and Mary since this concerns the CCR Open Dump List project.

Thanks.

Davy

From: Livnat, Alexander
Sent: Monday, July 25, 2016 5:38 PM
To: Hoffman, Stephen
Cc: Souders, Steve ; Simonson, Davy ; Benware, Richard ; Schoenborn, William
Subject: Re: Duke

Steve,

Since the issue you have presented deals with EPA's R4, I have copied Dave Simonson, who I believe was involved in similar disposal permitting issues in North Carolina.

Nowhere in the NCDENR permit you have attached is it stated what type of material has been mined in the Colon Mine: if coal, then the placement of CCR is not subject to the authority of the CCR Rule; however, if this is an open pit from which other-than-coal type of material has been extracted (e.g., clay, carbonates for aggregate, etc.), then structural fill at this type of site is not considered BU but rather disposal. Since the permit was issued on June 5, 2015, this operation would constitute a new (Post-April 2015) disposal site, which would be subject to the Rule's requirements for new CCR LFs, including siting, liners, and groundwater

monitoring. While siting considerations such as maintaining a minimum separation of 5 feet between the bottom of the pit and the top of the aquifer, or a requirement for an appropriate liner are nowhere mentioned in the NCDENR permit, groundwater monitoring *is* required by the permit.

As to the economics of CCR removal, I suggest you contact Richard Benware and ask him to direct you to one of their economists for guidance.

Take care,
Alex Livnat

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Sent: Monday, July 25, 2016 4:10:46 PM

To: Livnat, Alexander

Subject: Duke

I am doing some work (as a TetraTech consultant) for Region 5 on proposed CCR disposal. I am now reading up on what Duke is proposing and it appears they are placing CCR as “structural fill” in a mine. Please take a look at the NC permit. Am I correct that the CCR rule did not allow this or am I mistaken? I maalso trng to run down actual costs of excavating CCR and disposal off site. Who do I talk to at ORCR?

Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

Mobile: 703-402-6317

45610 Woodland Road, Suite 400

Sterling, VA 20166

Stephen.Hoffman@tetrattech.com

Tetra Tech | Complex World, Clear Solutions

www.tetrattech.com

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system

From: [Simonson, Davy](#)
To: [Celeste, Laurel](#); [Behan, Frank](#); [Jackson, Mary](#); [Chow, Rita](#); [Livnat, Alexander](#); [Johnston, Jon](#); [Mooney, Susan](#)
Subject: Charah, Inc. Facilities: BU or CCR Landfills under CCR Rule?

Call in # **Referred to EPA**

From: [Simonson, Davy](#)
To: ed.mussler@ncdenr.gov
Subject: Charah's Documents Sent to ORCR
Date: Thursday, August 11, 2016 11:10:00 AM
Attachments: [CCR - Charah - Bu Demonstration Report-HA - 2-23-15.pdf](#)
[CCR - Charah - BeneficialReusePPT.pdf](#)
[CCR - Chara-Stanislaus Letter 6 23 16.pdf](#)

Hi Ed.

Fyi, attached are three documents that Charah has recently provided to ORCR, per their conversation with/request to Mr. Gray. I believe the first one (by Haley & Aldrich, Inc.) is the document that Mr. McGrath mentioned to me when I spoke with him on June 14th.

Davy

From: [Norman Divers](#)
To: [Simonson, Davy](#)
Cc: [Danny Gray](#); [Glenn Amey, PG](#)
Subject: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC
Date: Wednesday, July 20, 2016 8:40:38 AM
Attachments: [Stanislaus Letter 6 23 16.pdf](#)

Mr. Simonson:

I am writing to coordinate with you, correspondence that has been provided to EPA central office regarding the project noted above. Charah is aware of your discussions with staff at the NC Division of Waste Management and have offered the attached for EPA's consideration.

Please coordinate with the EPA Region IV staff as well as the central office as necessary.

Regards,

Norman

Norman Divers

Engineering & Environmental Manager |Charah, Inc.

Mobile: 502-475-0725 | Office: 704-731-2300 | Direct: 704-731-2203 | Fax: 866-728-2444 |

ndivers@charah.com | <http://www.charah.com> | <http://www.sul4r-plus.com>

From: [Simonson, Davy](#)
To: [Livnat, Alexander](#); [Celeste, Laurel](#); [Chow, Rita](#); [Behan, Frank](#); [Jackson, Mary](#); [Mooney, Susan](#); [Johnston, Jon](#)
Cc: [Simonson, Davy](#)
Subject: For Charah, Inc. Call Today - additional document
Date: Tuesday, July 26, 2016 3:59:00 PM
Attachments: [CCR-CharahAppendixToChathamCounty\(Brickhaven\)Application-PlansToAdhereToFedCCRule.pdf](#)

Please see attached. Note last bullet on page 2.

From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Chow, Rita](#); [Livnat, Alexander](#); [Souders, Steve](#); [Behan, Frank](#); [Johnston, Jon](#)
Subject: FW: BU documentation
Date: Thursday, August 11, 2016 9:39:00 AM
Attachments: [Bu Demonstration Report-H&A.pdf](#)
[Stanislaus Letter 6 23 16.pdf](#)

Good morning Mary.

In re-reading the message below from Mr. Gray that you forwarded, it appears that something is missing at the end of the second paragraph.

Also, do you know where the June 7 reference came from in the summary that Mr. McGrath apparently provided to Mr. Gray? Overall, Mr. McGrath's summary jives with my notes of our June 14th call for the most part. He and I agreed that the next step, if Charah voluntarily chose to provide their consultant's analysis document to EPA for our review, should be a call between all involved parties (and we also mutually agreed that NC DEQ should be on such a call, which is not indicated in the summary below).

Davy

From: Jackson, Mary
Sent: Wednesday, July 27, 2016 3:10 PM
To: Chow, Rita ; Simonson, Davy ; Livnat, Alexander ; Souders, Steve ; Celeste, Laurel ; Behan, Frank
Subject: FW: BU documentation

From: Danny Gray [<mailto:DGray@charah.com>]
Sent: Wednesday, July 27, 2016 3:06 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>
Cc: Peter McGrath <petermcgrath@mvalaw.com>
Subject: RE: BU documentation

Ms. Jackson;

To followup on our call earlier today, I contacted Peter McGraft to discuss his understanding of the communications between EPA Region IV-Davey Simonson and himself related to Charah's Brickhaven Beneficial Use site located in Chatham County. His notes from the conversation with Davey are clarified below and convey his understanding of that call. However, responding to your email request, I am forwarding the requested documents.

Attached are two documents related to Charah's Chatham County Beneficial Use site. One is the demonstration report (dated 2/23/15) which addresses the four qualifying criteria for meeting the definition of Beneficial Use and the second is a letter sent to EPA on June 23, 2016 addressed to Mathy Stanislaus requesting clarification regarding website requirements for beneficial use projects. The project documents are housed in a website at

As it relates to the phone call with Region IV, Peter McGrath spoke with Davy Simonson of Region IV on June 14 (not June 7). Mr. Simonson explained that EPA was in the early stages of determining how to handle CCR sites on the open dump inventory. Mr. Simonson indicated that EPA was aware of the Colon and Brickhaven sites as a result of public requests for information, and learned from NC DEQ that there were no websites for those facilities. Peter explained that the facilities were beneficial use sites and not landfills so no websites are required. Peter indicated that Charah had obtained an analysis of that issue but that he would check with the Charah to determine what information we could readily provide. Mr. Simonson indicated that the next step should be a call

among Charah, EPA HQ and Region IV.
If there are additional questions, please contact me.

Danny L. Gray

Executive Vice President for Governmental/Environmental Affairs |Charah, Inc.

Mobile: 502-410-9295 | Office: 502-245-1353 | Direct: 502-815-5017 |

DGray@charah.com | <http://www.charah.com>

Danny L. Gray

Executive Vice President for Governmental/Environmental Affairs |Charah, Inc.

Mobile: 502-410-9295 | Office: 502-245-1353 | Direct: 502-815-5017 |

DGray@charah.com | <http://www.charah.com>

From: Jackson, Mary [<mailto:Jackson.Mary@epa.gov>]

Sent: Wednesday, July 27, 2016 1:30 PM

To: Danny Gray <DGray@charah.com>

Subject: BU documentation

*****FROM EXTERNAL DOMAIN*****

Danny,

I would appreciate if you could forward your BU demonstration documentation to me.

Thanks,

Mary

From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: BU documentation
Date: Wednesday, August 10, 2016 4:50:00 PM
Attachments: [Bu Demonstration Report-H&A.pdf](#)
[Stanislaus Letter 6 23 16.pdf](#)

Jon, this is the one I mentioned that quotes the attorney, Mr. McGrath, that I spoke with. His and my account of our conversation jive, but the Danny Gray message forwarded by Mary Jackson seems to have some verbiage missing and I have no idea where the reference to the date 'dispute' (June 14 vs. June 7) came from(?) (i.e., did it come from the conversation between Mary and Mr. Gray, or between Mr. Gray and Mr. McGrath when he asked for his summary of the conversation with me.) (?)

From: Jackson, Mary
Sent: Wednesday, July 27, 2016 3:10 PM
To: Chow, Rita ; Simonson, Davy ; Livnat, Alexander ; Souders, Steve ; Celeste, Laurel ; Behan, Frank
Subject: FW: BU documentation

From: Danny Gray [<mailto:DGray@charah.com>]
Sent: Wednesday, July 27, 2016 3:06 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>
Cc: Peter McGrath <petermcgrath@mvalaw.com>
Subject: RE: BU documentation

Ms. Jackson;

To followup on our call earlier today, I contacted Peter McGraft to discuss his understanding of the communications between EPA Region IV-Davey Simonson and himself related to Charah's Brickhaven Beneficial Use site located in Chatham County. His notes from the conversation with Davey are clarified below and convey his understanding of that call. However, responding to your email request, I am forwarding the requested documents.

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As it relates to the phone call with Region IV, Peter McGrath spoke with Davy Simonson of Region IV on June 14 (not June 7). Mr. Simonson explained that EPA was in the early stages of determining how to handle CCR sites on the open dump inventory. Mr. Simonson indicated that EPA was aware of the Colon and Brickhaven sites as a result of public requests for information, and learned from NC DEQ that there were no websites for those facilities. Peter explained that the facilities were beneficial use sites and not landfills so no websites are required. Peter indicated that Charah had obtained an analysis of that issue but that he would check with the Charah to determine what information we could readily provide. Mr. Simonson indicated that the next step should be a call among Charah, EPA HQ and Region IV.

If there are additional questions, please contact me.

Danny L. Gray

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Mobile: 502-410-9295 | Office: 502-245-1353 | Direct: 502-815-5017 |

DGray@charah.com | <http://www.charah.com>

From: Jackson, Mary [<mailto:Jackson.Mary@epa.gov>]

Sent: Wednesday, July 27, 2016 1:30 PM

To: Danny Gray <DGray@charah.com>

Subject: BU documentation

*****FROM EXTERNAL DOMAIN*****

Danny,

I would appreciate if you could forward your BU demonstration documentation to me.

Thanks,

Mary

From: [Simonson, Davy](#)
To: [Chow, Rita](#); [Devlin, Betsy](#); [Jackson, Mary](#); [Souders, Steve](#); [Livnat, Alexander](#); [Eby, Elaine](#); [Dufficy, Craig](#); [Behan, Frank](#); [Celeste, Laurel](#); [Villamizar, Nicole](#); [Mooney, Charlotte](#); [Coleman, Cheryl](#)
Cc: [Johnston, Jon](#); [Farmer, Alan](#); [Pallas, Jeff](#); [Bassett, Jay](#); [Mooney, Susan](#); [Simonson, Davy](#)
Subject: FW: CCR Open Dump List Issue - FW: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC
Date: Thursday, July 21, 2016 3:39:00 PM
Attachments: [image001.png](#)
[DRAFT Charah OLEM-16-000-9860 7-18-16.docx](#)
[BREDL\(TVick\)Ltr-RequestEPAReviewStateCoalAshPermits-10-20-2015.pdf](#)
[Citizen-BREDL-NC-Control-Vick Final 3-3-16.pdf](#)
[CCR-Charah's Stanislaus Letter 6 23 16 \(Rec'd by R4 7-20-16\).pdf](#)
Importance: High

Hi Rita.

Thank you for sending Region 4 a copy of the preliminary draft letter being prepared by ORCR and OGC in response to the June 23, 2016 letter from Charah, Inc. to Mathy Stanislaus.

This is to provide ORCR and OGC with pertinent background information for review and consideration prior to HQ finalizing the response letter to Charah, Inc. Attached are pdf's of a Blue Ridge Environmental Defense League (BREDL) letter to Region 4 voicing their concerns about the Charah, Inc. facilities in North Carolina, Region 4's response letter to BREDL, and Charah's letter to the AA for OLEM. These documents are being provided to ensure consistency in EPA's response to both the opponents and proponents of these types of facilities that manage/will manage CCR.

It seems that the company is well aware of what the federal CCR Rule requirements are for both beneficial use 'exempt' facilities (or, "off-site beneficial use projects") and for facilities that are deemed to be regulated CCR landfills. (b) (5)

[REDACTED]

Davy

From: Chow, Rita
Sent: Wednesday, July 20, 2016 3:02 PM
To: Devlin, Betsy ; Simonson, Davy ; Jackson, Mary ; Souders, Steve ; Livnat, Alexander ; Eby, Elaine ; Dufficy, Craig ; Behan, Frank
Cc: Johnston, Jon ; Farmer, Alan ; Pallas, Jeff ; Bassett, Jay ; Mooney, Susan ; Celeste, Laurel ; Villamizar, Nicole ; Mooney, Charlotte ; Coleman, Cheryl
Subject: RE: CCR Open Dump List Issue - FW: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC

Hi Betsy and Davy,

Yes, Frank Behan and I have seen the letter. I have coordinated with MRWMD to draft a response to the letter which addresses Charah's original question in the letter whether the web requirement applies to beneficial uses. Earlier this week, I sent the draft response to OGC and am waiting for their comments. Here is the draft response which still needs to be reviewed by ORCR management once I get OGC's comments. The draft response basically says the internet posting requirement does not apply to CCR activities meeting the BU definition. For beneficial use, the user must keep the environmental demonstration documentation in their records and share that information when any entity request to see it. Again, OGC and ORCR management still need to review this draft response.

Rita

From: Devlin, Betsy

Sent: Wednesday, July 20, 2016 1:29 PM

To: Simonson, Davy <Simonson.Davy@epa.gov>; Jackson, Mary <Jackson.Mary@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>

Cc: Johnston, Jon <Johnston.Jon@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: CCR Open Dump List Issue - FW: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC

Davy

I have not seen it. But if its Beneficial use, then it is likely that it was sent to our sister division (RCSD).

So, Rita – have you all seen?

Betsy

From: Simonson, Davy

Sent: Wednesday, July 20, 2016 1:08 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>

Cc: Johnston, Jon <Johnston.Jon@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: CCR Open Dump List Issue - FW: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC

Importance: High

Good afternoon.

The email below (w/ attached letter) is the first communication that I have received/seen from Charah, Inc. since I spoke with their outside attorney, Mr. Peter McGrath, on June 14, 2016. (Immediately following this email I will forward/resend my previous email, from 6/14/16, summarizing my conversation with Mr. McGrath.)

A horizontal bar chart with 15 bars. All bars are completely redacted with black boxes, making the data values and categories unreadable.

From: Norman Divers [<mailto:ndivers@charah.com>]
Sent: Wednesday, July 20, 2016 8:40 AM
To: Simonson, Davy <Simonson.Davy@epa.gov>
Cc: Danny Gray <DGray@charah.com>; Glenn Amey, PG <gamey@charah.com>
Subject: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC

I am writing to coordinate with you, correspondence that has been provided to EPA central office regarding the project noted above. Charah is aware of your discussions with staff at the NC Division of Waste Management and have offered the attached for EPA's consideration. Please coordinate with the EPA Region IV staff as well as the central office as necessary.

Norman Divers
Engineering & Environmental Manager | Charah, Inc.

Mobile: 502-475-0725 | Office: 704-731-2300 | Direct: 704-731-2203 | Fax: 866-728-2444 |
ndivers@charah.com | <http://www.charah.com> | <http://www.sul4r-plus.com>

From: [Simonson, Davy](#)
To: ed.mussler@ncdenr.gov
Subject: FW: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC
Date: Tuesday, July 26, 2016 3:58:00 PM
Attachments: [Stanislaus Letter 6 23 16.pdf](#)
[CCR-CharahAppendixToChathamCounty\(Brickhaven\)Application-PlansToAdhereToFedCCRule.pdf](#)

Ed, thanks for your input.

Below is the email I received last week from Charah, Inc., along with the attached copy of their letter addressed to EPA's AA for OLEM.

Also, I've attached a scan of the two-page Appendix that they included in their application to the State. See the last bullet on page 2.

Davy

From: Norman Divers [mailto:ndivers@charah.com]
Sent: Wednesday, July 20, 2016 8:40 AM
To: Simonson, Davy
Cc: Danny Gray ; Glenn Amey, PG
Subject: Correspondance with EPA regarding Brickhaven Mine Structural Fill Reclamation Project, Moncure NC

Mr. Simonson:

I am writing to coordinate with you, correspondence that has been provided to EPA central office regarding the project noted above. Charah is aware of your discussions with staff at the NC Division of Waste Management and have offered the attached for EPA's consideration.

Please coordinate with the EPA Region IV staff as well as the central office as necessary.

Regards,

Norman

Norman Divers

Engineering & Environmental Manager | Charah, Inc.

Mobile: 502-475-0725 | Office: 704-731-2300 | Direct: 704-731-2203 | Fax: 866-728-2444 |

ndivers@charah.com | <http://www.charah.com> | <http://www.sul4r-plus.com>

From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: For Charah, Inc. Call Today - additional document
Date: Wednesday, August 10, 2016 4:40:00 PM
Attachments: [CCR-CharahAppendixToChathamCounty\(Brickhaven\)Application-PlansToAdhereToFedCCRRule.pdf](#)

From: Simonson, Davy

Sent: Tuesday, July 26, 2016 3:59 PM

To: Livnat, Alexander ; Celeste, Laurel ; Chow, Rita ; Behan, Frank ; Jackson, Mary ; Mooney, Susan ; Johnston, Jon

Cc: Simonson, Davy

Subject: For Charah, Inc. Call Today - additional document

Please see attached. Note last bullet on page 2.

From: [Simonson, Davy](#)
To: [ed.mussler@ncdenr.gov](#); [jason.watkins@ncdenr.gov](#); [Lorscheider, Ellen](#); [michael.scott@ncdenr.gov](#)
Cc: [Jackson, Mary](#); [Johnston, Jon](#); [Farmer, Alan](#); [Simonson, Davy](#)
Subject: FW: initial draft open dump inventory
Date: Thursday, August 25, 2016 1:29:00 PM

...just posted this afternoon on EPA's Website (link below). The Charah Brickhaven facility is one of seven facilities on the Draft Initial Open Dump Inventory list. Thank you (Ed!) for assisting with this endeavor.

Davy

From: Jackson, Mary
Sent: Thursday, August 25, 2016 12:44 PM
To: Mooney, Susan <mooney.susan@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Leitch, Sharon <Leitch.Sharon@epa.gov>; Hood, Gavin <Hood.Gavin@epa.gov>; Giuranna, Mike <Giuranna.Mike@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Kenney, Thomas <kenney.thomas@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Cosentini, Christina <Cosentini.Christina@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>; Winters, Melissa <Winters.Melissa@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Janjic, Ksenija <Janjic.Ksenija@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>
Cc: Vadim Spirt <VShcherbina@indecon.com>
Subject: initial draft open dump inventory

Is posted! Thank you for all your help in investigating CCR facilities to pull this information together! I could never have done it alone.

Mary

<https://www.epa.gov/coalash/compliance-data-and-information-websites-required-disposal-coal-combustion-residuals-ccr>

From: [Simonson, Davy](#)
To: [Jackson, Mary](#); [Souders, Steve](#); [Chow, Rita](#); [Livnat, Alexander](#); [Eby, Elaine](#); [Dufficy, Craig](#); [Behan, Frank](#); [Devlin, Betsy](#)
Cc: [Johnston, Jon](#); [Farmer, Alan](#); [Pallas, Jeff](#); [Bassett, Jay](#); [Mooney, Susan](#); [Simonson, Davy](#)
Subject: FW: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit
Date: Wednesday, July 20, 2016 1:10:00 PM
Attachments: [image002.png](#)
[Citizen-BREDL-NC-Control-Vick Final 3-3-16.pdf](#)
Importance: High

Region 4 never received the "commissioned study" referenced below, nor has NC DEQ, to our knowledge. There has not been any subsequent contact between R4 and Mr. McGrath (or Charah, Inc. personnel) since 6/14/16. The email I received this morning (7/20/16) from Mr. Norman Divers of Charah, transmitting a 6/23/16 letter from Mr. Danny Gray of Charah, Inc. to Mathy Stanislaus, is the first and only information Region 4 has received about the Brickhaven solid waste management facility from the company.

Background, fyi....

From: Simonson, Davy
Sent: Tuesday, June 14, 2016 5:27 PM
To: Jackson, Mary ; Souders, Steve ; Livnat, Alexander ; Eby, Elaine ; Dufficy, Craig ; Chow, Rita ; Johnston, Jon ; Farmer, Alan
Cc: Mooney, Susan ; Devlin, Betsy ; Pallas, Jeff ; Bassett, Jay ; Simonson, Davy
Subject: RE: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit

Importance: High

Good afternoon

This is a follow-up to my May 26th message (below) regarding the additional potential *FR* CCR Open Dump List candidate(s) in North Carolina.

Mr. Peter McGrath, an attorney with Moore & Van Allen PLLC in Charlotte, NC, has contacted me regarding the applicability of the federal CCR Rule to the Brickhaven (Chatham Co.) facility and, eventually, to the Colon (Lee Co.) facility. These two sites were permitted by NCDEQ as "Solid Waste Management Facility Structural Fill, Mine Reclamation" facilities. Mr. McGrath's firm represents Charah, Inc., operator of the two facilities. It is my understanding that Brickhaven currently receives CCR from two Duke Energy facilities and Colon has yet to receive CCR.

During a telephone conversation that I had this afternoon with Mr. McGrath, he indicated that Charah believes their facilities are exempt from the federal CCR rule requirements because they satisfy the four requisite criteria of "Beneficial Use of CCR". We did not get into details or specifics about how they reached their conclusion, but Mr. McGrath stated that a "commissioned study by an independent consultant" was/is the basis for Charah reaching their conclusion. I asked if the study was available to EPA for review, and he said he will be asking Charah to provide it for us.

Mr. McGrath and I agreed that the best path forward would be for EPA to review the study, followed by a conference call in the near future between him/his client, ORCR, Region 4 and NCDEQ personnel in order to discuss the conclusions reached in the consultant's study/report.

Mr. McGrath also asked, and I explained to him, about how and why the *FR* Open Dump list is required by the rule and its development. I also explained to him that ORCR will be able to provide more specific information about the status of any future *FR* OD notice when we have the conference call concerning the regulatory status of the two Charah facilities.

I will forward the study/report once I receive it from Mr. McGrath.

Davy

From: Simonson, Davy
Sent: Thursday, May 26, 2016 11:04 AM
To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

There is another disposal facility in North Carolina that appears to have not been included on any of the original HQ CCR rule facility universe lists (somewhat similar situation as the Halifax County Ash Landfill). It appears that this "new" facility may also be a potential candidate for the FR CCR Open Dump list due to not having a Website, etc.

Yesterday, Region 4 learned from NCDEQ that one of the two facilities in the State that was converted from a shale/clay mining pit to a lined CCR disposal facility, as permitted under the State's Coal Ash Management Act of 2014 (CAMA), was/is receiving CCR from Duke Energy. The facility receiving the CCR is known as Brickhaven, and is permitted by the State as a "Solid Waste Management Facility Structural Fill, Mine Reclamation". It is located in Moncure, Chatham County, NC. The other, known as the Colon facility and located in Sanford, Lee County, NC, is not yet receiving CCR, as confirmed by NCDEQ. Here are two links with additional information:

<http://deq.nc.gov/news/hot-topics/coal-ash-nc/moving-forward-coal-ash> ,

<http://www.chathamnc.org/index.aspx?page=1791> .

Background Info: The attached letter from Region 4 to the Blue Ridge Environmental Defense League (BREDL) addressed these two converted shale/clay mining pits and stated EPA's view that they are "subject to the applicable provisions" of the CCR rule. This is the letter that has the language (in paragraphs 2 and 3) that Region 4's Regional Counsel and ORCR Management (Betsy) collaborated on and agreed upon, and that Region 4 shared with the EPA CCR Rule Implementation Workgroup for other regions to use, if/as needed.

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Sent: Thursday, April 28, 2016 8:39 AM

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Update from North Carolina DEQ:

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directed to R4's primary solid waste contact in NC, Ed Mussler (919-707-8281), DEQ's SW Permitting Branch Supervisor.

Update from Georgia EPD:

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Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in

[illegible]

Davy

From: Simonson, Davy

Sent: Wednesday, April 20, 2016 1:16 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: FW: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Mary,

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as “Plants Without Websites”. I’ve attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

AL:

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.
- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on

this, so I included most folks I know are on ORCR's CCR team in one capacity or another.

I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states' spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

FL:

- The OUC (Stanton) facility has a website. The link is: www.oucccr.com.
- The Polk (Lakeland Electric) facility has a website. The link is <https://www.lakelandelectric.com/Portals/LakelandElectric/Docs/Publications/WEB%20Version%201%20-%20CCR%20Fugitive%20Dust%20-PE%20Signed%20-%20MPP%202015%20w-Cover%20Sheet.pdf>.
- The JEA Northside Generating Station does not have a website because this facility burns 80% "petcoke" and as a result, the facility has determined that the CCR rule does not apply to this facility. This facility is still in operation, and operates under various permits issued by the FDEP. The FDEP is not aware of any plans for closure of this facility.
- Follow up questions for Florida facilities can be directed to Jim Jarmolowski, P.G., FDEP Solid Waste Section, 850-245-8856.

GA:

- Revisions are highlighted in the attached spreadsheet. Georgia EPD confirmed with Georgia Power Company that Plant Kraft closed before the deadline in the CCR rule. They will be fully removing the waste to another site.
- Follow up questions for Georgia facilities can be directed to Melanie Henry, P.E., EPD Solid Waste Management Program, 404-362-2565.

KY:

- See attached revised spreadsheet; Changes are in yellow highlight.
- Follow up questions for Kentucky facilities can be directed to Danny Anderson, P.E., KDEP/DWM Solid Waste Branch, 502-564-6716 ext. 4664

MS:

- The Red Hills Generation facility's Web information is at <http://cglplllpccr.com/>.
- The Henderson plant has not burned coal in a number of years, and so that plant does not generate CCR any longer.
- The Jack Watson Plant in Gulfport has also transitioned to natural gas and no longer burns coal. Mississippi Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.
- Follow up questions for Mississippi facilities can be directed to Mark Williams, P.E., MDEQ Solid Waste & Recycling Programs, 601-961-5304.

NC:

- Updated the spreadsheet (revisions are not highlighted, so information in the attached spreadsheet will need to be compared to ORCR's original spreadsheet). From information in email exchanges, they: Added a "NC DEQ Comment" column; Crossed out one Website; Moved one facility to the non-Website page, since it does not have onsite storage; Also, added additional information about some of the facilities.
- State is not sure that all of the listed facilities fall under the definition of utility subject to the federal CCR rule – thus, why they likely do not have websites (all of the Duke/Progress Energy ones do).
- Comments from State: Facilities only have to have Websites if: 1) they are currently generating power from any fuel source, and 2) actually have a landfill or impoundment. The utility must fall under NAICS code 221112. State assuming that ORCR pulled the smaller guys from there.
- Follow up questions for North Carolina facilities can be directed to Shawn McKee, Environmental Senior

Specialist, NC DEQ/DWM Solid Waste Section, 919-707-8284.

SC:

- The “Plants with CCR Websites” inventory is complete, i.e., all eight sites in SC which are subject to the CCR Rule are accounted for on EPA’s list:
 1. Cope (SCANA)
 2. Cross (Santee Cooper)
 3. HB Robinson (Duke)
 4. Jefferies (Santee Cooper)
 5. WS Lee (Duke)
 6. Wateree (SCANA)
 7. Williams (SCANA)
 8. Winyah (Santee Cooper)
- For the “Plants without CCR Websites” tab, SC updated the “Reason for No Website” column for both Urquhart (SCANA) and Savannah River Site (US DOE) to reflect the following:
 - Urquhart (SCANA) is not subject to the CCR rule because its only CCR disposal units, two surface impoundments and one landfill, have been closed by DHEC, and the plant is no longer burning coal. The surface impoundments were clean-closed in 2012, and the landfill was placed in post-closure care in 2012.
 - US DOE Savannah River Site (D Area) is not subject to the CCR rule because, per §257.50(b), only “units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers” are subject to the rule. Savannah River Site is neither an electric utility nor an independent power producer.
- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

Hello Regional SWMP Workgroup Members,

Attached is a spreadsheet that includes a page entitled Plants without CCR Websites. As I mentioned on the last workgroup call, ORCR is required to publish a list of open dumps this spring for the CCR rule. An open dump is a CCR unit that is not in compliance with the rule. The current requirements for posting on the public website are 1) posting the website; 2) posting a fugitive dust control plan and 3) for some units, posting their first annual inspection report.

I am asking for your help in looking at those facilities that we thought were subject to the rule for which we cannot find websites. I am hoping you will ask your state contacts about these facilities. For some we know why they don't have a website (see the explanation in that column), but for others we are not sure. We just want to know if the state might have any information about them, i.e., whether they are still in

operation, whether they have no on-site CCR landfills or surface impoundments, or whether we should expect them to have a website (i.e., they are subject to the rule). I am also attaching 257.50 which explains who is subject to the rule, in case you have questions. Also, here is a link to some frequently asked questions about who is subject to the rule:

<https://www.epa.gov/coalash/frequent-questions-about-scope-and-purpose-and-implementing-final-rule-regulating-disposal>

If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Celeste, Laurel](#); [Livnat, Alexander](#); [Chow, Rita](#); [Behan, Frank](#); [Mooney, Susan](#); [Johnston, Jon](#)
Subject: FW: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit
Date: Wednesday, July 27, 2016 8:13:00 AM
Attachments: [image002.png](#)
[Citizen-BREDL-NC-Control-Vick Final 3-3-16.pdf](#)
Importance: High

Mary, below is the summary of the one (and only) conversation that I've had with Charah, Inc. or a representative of their company (i.e., their outside attorney).

From: Simonson, Davy
Sent: Tuesday, June 14, 2016 5:27 PM
To: Jackson, Mary ; Souders, Steve ; Livnat, Alexander ; Eby, Elaine ; Dufficy, Craig ; Chow, Rita ; Johnston, Jon ; Farmer, Alan
Cc: Mooney, Susan ; Devlin, Betsy ; Pallas, Jeff ; Bassett, Jay ; Simonson, Davy
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Importance: High

Good afternoon

This is a follow-up to my May 26th message (below) regarding the additional potential FR CCR Open Dump List candidate(s) in North Carolina.

Mr. Peter McGrath, an attorney with Moore & Van Allen PLLC in Charlotte, NC, has contacted me regarding the applicability of the federal CCR Rule to the Brickhaven (Chatham Co.) facility and, eventually, to the Colon (Lee Co.) facility. These two sites were permitted by NCDEQ as "Solid Waste Management Facility Structural Fill, Mine Reclamation" facilities. Mr. McGrath's firm represents Charah, Inc., operator of the two facilities. It is my understanding that Brickhaven currently receives CCR from two Duke Energy facilities and Colon has yet to receive CCR.

During a telephone conversation that I had this afternoon with Mr. McGrath, he indicated that Charah believes their facilities are exempt from the federal CCR rule requirements because they satisfy the four requisite criteria of "Beneficial Use of CCR". We did not get into details or specifics about how they reached their conclusion, but Mr. McGrath stated that a "commissioned study by an independent consultant" was/is the basis for Charah reaching their conclusion. I asked if the study was available to EPA for review, and he said he will be asking Charah to provide it for us.

Mr. McGrath and I agreed that the best path forward would be for EPA to review the study, followed by a conference call in the near future between him/his client, ORCR, Region 4 and NCDEQ personnel in order to discuss the conclusions reached in the consultant's study/report.

Mr. McGrath also asked, and I explained to him, about how and why the FR Open Dump list is required by the rule and its development. I also explained to him that ORCR will be able to provide more specific information about the status of any future FR OD notice when we have the conference call concerning the regulatory status of the two Charah facilities.

I will forward the study/report once I receive it from Mr. McGrath.

Davy

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Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in south central Georgia (off I-75 near Cordele and Lake Blackshear). Here's their website, <https://crispcountypower.com/>. I am still waiting to hear back from Georgia EPD about coal use and coal ash disposition for the Crisp County plant, since the State reportedly had no previous regulatory involvement with them. It could be that coal is <50% of the fuel burned (?). Crisp started out 100% hydroelectric, up until 1957,

(b) (5)

Davy

From: Simonson, Davy

Sent: Wednesday, April 20, 2016 1:16 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: FW: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Mary,

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as "Plants Without Websites". I've attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

AL:

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.
- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on this, so I included most folks I know are on ORCR's CCR team in one capacity or another.

I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states' spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did

both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

FL:

- The OUC (Stanton) facility has a website. The link is: www.oucccr.com.
- The Polk (Lakeland Electric) facility has a website. The link is <https://www.lakelandelectric.com/Portals/LakelandElectric/Docs/Publications/WEB%20Version%201%20-%20CCR%20Fugitive%20Dust%20-PE%20Signed%20-%20MPP%202015%20w-Cover%20Sheet.pdf>.
- The JEA Northside Generating Station does not have a website because this facility burns 80% "petcoke" and as a result, the facility has determined that the CCR rule does not apply to this facility. This facility is still in operation, and operates under various permits issued by the FDEP. The FDEP is not aware of any plans for closure of this facility.
- Follow up questions for Florida facilities can be directed to Jim Jarmolowski, P.G., FDEP Solid Waste Section, 850-245-8856.

GA:

- Revisions are highlighted in the attached spreadsheet. Georgia EPD confirmed with Georgia Power Company that Plant Kraft closed before the deadline in the CCR rule. They will be fully removing the waste to another site.
- Follow up questions for Georgia facilities can be directed to Melanie Henry, P.E., EPD Solid Waste Management Program, 404-362-2565.

KY:

- See attached revised spreadsheet; Changes are in yellow highlight.
- Follow up questions for Kentucky facilities can be directed to Danny Anderson, P.E., KDEP/DWM Solid Waste Branch, 502-564-6716 ext. 4664

MS:

- The Red Hills Generation facility's Web information is at <http://cglplllpccr.com/>.
- The Henderson plant has not burned coal in a number of years, and so that plant does not generate CCR any longer.
- The Jack Watson Plant in Gulfport has also transitioned to natural gas and no longer burns coal. Mississippi Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.
- Follow up questions for Mississippi facilities can be directed to Mark Williams, P.E., MDEQ Solid Waste & Recycling Programs, 601-961-5304.

NC:

- Updated the spreadsheet (revisions are not highlighted, so information in the attached spreadsheet will need to be compared to ORCR's original spreadsheet). From information in email exchanges, they: Added a "NC DEQ Comment" column; Crossed out one Website; Moved one facility to the non-Website page, since it does not have onsite storage; Also, added additional information about some of the facilities.
- State is not sure that all of the listed facilities fall under the definition of utility subject to the federal CCR rule – thus, why they likely do not have websites (all of the Duke/Progress Energy ones do).
- Comments from State: Facilities only have to have Websites if: 1) they are currently generating power from any fuel source, and 2) actually have a landfill or impoundment. The utility must fall under NAICS code 221112. State assuming that ORCR pulled the smaller guys from there.
- Follow up questions for North Carolina facilities can be directed to Shawn McKee, Environmental Senior Specialist, NC DEQ/DWM Solid Waste Section, 919-707-8284.

SC:

- The "Plants with CCR Websites" inventory is complete, i.e., all eight sites in SC which are subject to the CCR Rule are accounted for on EPA's list:

1. Cope (SCANA)
2. Cross (Santee Cooper)
3. HB Robinson (Duke)
4. Jefferies (Santee Cooper)
5. WS Lee (Duke)
6. Wateree (SCANA)
7. Williams (SCANA)
8. Winyah (Santee Cooper)

- For the “Plants without CCR Websites” tab, SC updated the “Reason for No Website” column for both Urquhart (SCANA) and Savannah River Site (US DOE) to reflect the following:
 - Urquhart (SCANA) is not subject to the CCR rule because its only CCR disposal units, two surface impoundments and one landfill, have been closed by DHEC, and the plant is no longer burning coal. The surface impoundments were clean-closed in 2012, and the landfill was placed in post-closure care in 2012.
 - US DOE Savannah River Site (D Area) is not subject to the CCR rule because, per §257.50(b), only “units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers” are subject to the rule. Savannah River Site is neither an electric utility nor an independent power producer.
- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

Hello Regional SWMP Workgroup Members,

Attached is a spreadsheet that includes a page entitled Plants without CCR Websites. As I mentioned on the last workgroup call, ORCR is required to publish a list of open dumps this spring for the CCR rule. An open dump is a CCR unit that is not in compliance with the rule. The current requirements for posting on the public website are 1) posting the website; 2) posting a fugitive dust control plan and 3) for some units, posting their first annual inspection report.

I am asking for your help in looking at those facilities that we thought were subject to the rule for which we cannot find websites. I am hoping you will ask your state contacts about these facilities. For some we know why they don't have a website (see the explanation in that column), but for others we are not sure. We just want to know if the state might have any information about them, i.e., whether they are still in operation, whether they have no on-site CCR landfills or surface impoundments, or whether we should expect them to have a website (i.e., they are subject to the rule). I am also attaching 257.50 which explains who is subject to the rule, in case you have questions. Also, here is a link to some frequently asked questions about who is subject to the rule:

<https://www.epa.gov/coalash/frequent-questions-about-scope-and-purpose-and-implementing-final-rule-regulating-disposal>

If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit
Date: Wednesday, August 10, 2016 4:41:00 PM
Attachments: [image002.png](#)
[Citizen-BREDL-NC-Control-Vick.Final.3-3-16.pdf](#)
Importance: High

From: Simonson, Davy

Sent: Wednesday, July 27, 2016 8:14 AM

To: Jackson, Mary

Cc: Celeste, Laurel ; Livnat, Alexander ; Chow, Rita ; Behan, Frank ; Mooney, Susan ; Johnston, Jon

Subject: FW: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit

Importance: High

Mary, below is the summary of the one (and only) conversation that I've had with Charah, Inc. or a representative of their company (i.e., their outside attorney).

From: Simonson, Davy

Sent: Tuesday, June 14, 2016 5:27 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>

Cc: Mooney, Susan <mooney.susan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: RE: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websit

Importance: High

Good afternoon

This is a follow-up to my May 26th message (below) regarding the additional potential FR CCR Open Dump List candidate(s) in North Carolina.

Mr. Peter McGrath, an attorney with Moore & Van Allen PLLC in Charlotte, NC, has contacted me regarding the applicability of the federal CCR Rule to the Brickhaven (Chatham Co.) facility and, eventually, to the Colon (Lee Co.) facility. These two sites were permitted by NCDEQ as "Solid Waste Management Facility Structural Fill, Mine Reclamation" facilities. Mr. McGrath's firm represents Charah, Inc., operator of the two facilities. It is my understanding that Brickhaven currently receives CCR from two Duke Energy facilities and Colon has yet to receive CCR.

During a telephone conversation that I had this afternoon with Mr. McGrath, he indicated that Charah believes their facilities are exempt from the federal CCR rule requirements because they satisfy the four requisite criteria of "Beneficial Use of CCR". We did not get into details or specifics about how they reached their conclusion, but Mr. McGrath stated that a "commissioned study by an independent consultant" was/is the basis for Charah reaching their conclusion. I asked if the study was available to EPA for review, and he said he will be asking Charah to provide it for us.

Mr. McGrath and I agreed that the best path forward would be for EPA to review the study, followed by a conference call in the near future between him/his client, ORCR, Region 4 and NCDEQ personnel in order to discuss the conclusions reached in the consultant's study/report.

Mr. McGrath also asked, and I explained to him, about how and why the FR Open Dump list is required by the rule and its development. I also explained to him that ORCR will be able to provide more specific information about the status of any future FR OD notice when we have the conference call concerning the regulatory status

of the two Charah facilities.

I will forward the study/report once I receive it from Mr. McGrath.

Davy

From: Simonson, Davy

Sent: Thursday, May 26, 2016 11:04 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Farmer, Alan <Farmer.Alan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Pallas, Jeff <Pallas.Jeff@epa.gov>; Bassett, Jay <Bassett.Jay@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

There is another disposal facility in North Carolina that appears to have not been included on any of the original HQ CCR rule facility universe lists (somewhat similar situation as the Halifax County Ash Landfill). It appears that this "new" facility may also be a potential candidate for the *FR* CCR Open Dump list due to not having a Website, etc.

Yesterday, Region 4 learned from NCDEQ that one of the two facilities in the State that was converted from a shale/clay mining pit to a lined CCR disposal facility, as permitted under the State's Coal Ash Management Act of 2014 (CAMA), was/is receiving CCR from Duke Energy. The facility receiving the CCR is known as Brickhaven, and is permitted by the State as a "Solid Waste Management Facility Structural Fill, Mine Reclamation". It is located in Moncure, Chatham County, NC. The other, known as the Colon facility and located in Sanford, Lee County, NC, is not yet receiving CCR, as confirmed by NCDEQ. Here are two links with additional information:

<http://deq.nc.gov/news/hot-topics/coal-ash-nc/moving-forward-coal-ash> ,

<http://www.chathamnc.org/index.aspx?page=1791> .

Background Info: The attached letter from Region 4 to the Blue Ridge Environmental Defense League (BREDL) addressed these two converted shale/clay mining pits and stated EPA's view that they are "subject to the applicable provisions" of the CCR rule. This is the letter that has the language (in paragraphs 2 and 3) that Region 4's Regional Counsel and ORCR Management (Betsy) collaborated on and agreed upon, and that Region 4 shared with the EPA CCR Rule Implementation Workgroup for other regions to use, if/as needed.

I was informed by NCDEQ yesterday that the Brickhaven owner/operator believes that the facility satisfactorily meets the four beneficial use criteria in the federal CCR rule, and is thereby exempt from requirements in the Part 257 regulations. However, that conclusion by the facility was apparently not shared with the State or with EPA. I asked Ed Mussler, NCDEQ's solid waste permitting chief, to share our letter to BREDL with the facility. Also, Ed said that he would ask the Brickhaven o/o to send his information/summary about why he believes the facility is exempt from the federal CCR rule to us for review. Upon receipt, I will forward that information to ORCR.

Davy

From: Simonson, Davy

Sent: Thursday, April 28, 2016 8:39 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Update from North Carolina DEQ:

- Halifax County Ash Monofill, which accepts Roanoke Valley Energy Facilities' CCR, is subject to the federal rule and belongs on the EPA Open Dump list as it currently does not have the requisite Website. The landfill reportedly was unaware (Roanoke apparently did not inform them) of their responsibilities in accepting CCR. The State is working with the landfill o/o to help them out. Future inquiries to NC regarding CCR rule issues and/or the State's Coal Ash Management Act of 2014 (CAMA) should be directed to R4's primary solid waste contact in NC, Ed Mussler (919-707-8281), DEQ's SW Permitting Branch Supervisor.

Update from Georgia EPD:

- Georgia Power Company has confirmed to EPD that their Grumman Road landfill "ceased receiving CCRs before 10/14/15". Thus, it does not belong on EPA's OD list.
- The Crisp County Power Commission's "Crisp Plant" is another facility, similar to the Halifax County Ash Monofill in NC, that apparently was unaware of the federal CCR rule. Georgia EPD has requested that EPA/ORCR provide assistance with determining whether or not the facility is subject to the rule. If the facility is, then the Crisp Plant does belong on the EPA OD list as it currently does not have the requisite Website. (Details on the Crisp Plant and EPD's request to follow in a separate email.)

From: Simonson, Davy

Sent: Wednesday, April 27, 2016 7:37 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: GA Info - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Georgia EPD has provided the following information to Region 4 via email and telephone conversation:

Plant Crisp (i.e., Crisp County, GA) – Georgia EPD has confirmed with an engineer at Plant Crisp that they have not created a website. There is an ash pond onsite still containing water, so it appears that the facility is subject to the federal CCR rule. "They are aware that they missed compliance requirements and are currently working with their consultant ... on how to proceed."

- The facility appears to have not been fully aware of the CCR rule and its requirements.
- R4 has asked GA EPD to follow-up with the facility and/or their consultant to confirm that their fuel mix is >50% coal (per 257.50(f)), and to inquire as to whether any CCR has been/is being sent to any off-site facility that may potentially also be subject to the rule.

Plant Kraft (Georgia Power, Southern Company) - Ash from Plant Kraft has been disposed at the following three facilities:

1. Georgia Power's Grumman Road Landfill
2. Waste Management - Superior Landfill
3. Republic Waste - Savannah Regional Landfill

- Grumman Road Landfill is not an MSWLF. Region 4 has asked GA EPD to follow-up with Georgia Power in order to determine the dates of Kraft plant CCR disposal at this landfill, and also whether this landfill has accepted CCR from any other plants on or after 10/19/15. GA EPD does not believe it has a website. R4 will notify ORCR upon receipt of additional information from the State.
- Both the Superior LF and the Savannah Regional LF are confirmed by GA EPD to be MSWLFs.
- As noted earlier, Plant Kraft itself is exempt from the rule as it ceased generating power prior to 10/19/15.

From: Simonson, Davy

Sent: Tuesday, April 26, 2016 10:12 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine

<Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in south central Georgia (off I-75 near Cordele and Lake Blackshear). Here's their website, <https://crispcountypower.com/>. I am still waiting to hear back from Georgia EPD about coal use and coal ash disposition for the Crisp County plant, since the State reportedly had no previous regulatory involvement with them. It could be that coal is <50% of the fuel burned (?). Crisp started out 100% hydroelectric, up until 1957, according to this: https://en.wikipedia.org/wiki/Crisp_County_Power_Commission.
I have not yet heard back from NC DEQ about the Halifax disposal facility. I'll provide updates once I hear back from GA (Crisp and Kraft's plan) and NC (Roanoke/Halifax).

From: Jackson, Mary

Sent: Tuesday, April 26, 2016 8:19 AM

To: Simonson, Davy <Simonson.Davy@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Davy,

Thank you. Just to confirm:

Northside (FL) will be removed as will Stanton (FL)

Kraft (GA) will be removed

Could Crisp Plant be Crist Plant? I found a website for Crist Plant <http://www.gulfpower.com/about-us/background/coal-ash-rule.cshtml> Is this the same plant?

Roanoke Valley I and II (NC) will be removed. Any info you could get on Halifax County Ash Monofill would be appreciated.

Roxboro, Southport and the DOE facility will all be removed from the list.

Thanks again for all your help. Let me know if you come up with anything on the Halifax County Monofill.

From: Simonson, Davy

Sent: Monday, April 25, 2016 1:53 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Hi Mary.

I've extracted the nine Region 4 facilities that made the "List of 44" (i.e., the most recent Spreadsheet sent to the Workgroup via Susan's 4/20/16, ~11:23 am email) and included them in the attached R4-facilities-only spreadsheet. Jon and I are not quite sure why some of the nine were still on the potential Open Dump list, as the comments that were included in the latest spreadsheet seemed to indicate legitimate reasons why some of the facilities appear to be exempt from the rule (thus not required to have a website).

Anyhoo, please see my comments on the spreadsheet and below, to help clarify which ones may legitimately belong and which apparently do not belong. GA, NC and SC are still investigating a few items for us (noted below), and I'll forward that information upon receipt.

([REDACTED]
b [REDACTED]
)

(b) (5)



Da

From: Simonson, Davy

Sent: Wednesday, April 20, 2016 1:16 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: FW: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Mary,

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as "Plants Without Websites". I've attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

AL:

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.
- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants

With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR

Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on this, so I included most folks I know are on ORCR's CCR team in one capacity or another.

I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states' spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

FL:

- The OUC (Stanton) facility has a website. The link is: www.oucccr.com .
- The Polk (Lakeland Electric) facility has a website. The link is <https://www.lakelandelectric.com/Portals/LakelandElectric/Docs/Publications/WEB%20Version%201%20-%20CCR%20Fugitive%20Dust%20-PE%20Signed%20-%20MPP%202015%20w-Cover%20Sheet.pdf> .
- The JEA Northside Generating Station does not have a website because this facility burns 80% "petcoke" and as a result, the facility has determined that the CCR rule does not apply to this facility. This facility is still in operation, and operates under various permits issued by the FDEP. The FDEP is not aware of any plans for closure of this facility.
- Follow up questions for Florida facilities can be directed to Jim Jarmolowski, P.G., FDEP Solid Waste Section, 850-245-8856.

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- Revisions are highlighted in the attached spreadsheet. Georgia EPD confirmed with Georgia Power Company that Plant Kraft closed before the deadline in the CCR rule. They will be fully removing the waste to another site.
- Follow up questions for Georgia facilities can be directed to Melanie Henry, P.E., EPD Solid Waste Management Program, 404-362-2565.

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- See attached revised spreadsheet; Changes are in yellow highlight.
- Follow up questions for Kentucky facilities can be directed to Danny Anderson, P.E., KDEP/DWM Solid Waste Branch, 502-564-6716 ext. 4664

MS:

- The Red Hills Generation facility's Web information is at <http://cglplllpccr.com/> .
- The Henderson plant has not burned coal in a number of years, and so that plant does not generate CCR any longer.
- The Jack Watson Plant in Gulfport has also transitioned to natural gas and no longer burns coal. Mississippi Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.
- Follow up questions for Mississippi facilities can be directed to Mark Williams, P.E., MDEQ Solid Waste & Recycling Programs, 601-961-5304.

NC:

- Updated the spreadsheet (revisions are not highlighted, so information in the attached spreadsheet will need to be compared to ORCR's original spreadsheet). From information in email exchanges, they: Added a "NC DEQ Comment" column; Crossed out one Website; Moved one facility to the non-Website page, since it does not have onsite storage; Also, added additional information about some of the facilities.

- State is not sure that all of the listed facilities fall under the definition of utility subject to the federal CCR rule – thus, why they likely do not have websites (all of the Duke/Progress Energy ones do).
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- Follow up questions for North Carolina facilities can be directed to Shawn McKee, Environmental Senior Specialist, NC DEQ/DWM Solid Waste Section, 919-707-8284.

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- The “Plants with CCR Websites” inventory is complete, i.e., all eight sites in SC which are subject to the CCR Rule are accounted for on EPA’s list:
 1. Cope (SCANA)
 2. Cross (Santee Cooper)
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 4. Jefferies (Santee Cooper)
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 6. Wateree (SCANA)
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- For the “Plants without CCR Websites” tab, SC updated the “Reason for No Website” column for both Urquhart (SCANA) and Savannah River Site (US DOE) to reflect the following:
 - Urquhart (SCANA) is not subject to the CCR rule because its only CCR disposal units, two surface impoundments and one landfill, have been closed by DHEC, and the plant is no longer burning coal. The surface impoundments were clean-closed in 2012, and the landfill was placed in post-closure care in 2012.
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- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

Hello Regional SWMP Workgroup Members,

Attached is a spreadsheet that includes a page entitled Plants without CCR Websites. As I mentioned on the last workgroup call, ORCR is required to publish a list of open dumps this spring for the CCR rule. An open dump is a CCR unit that is not in compliance with the rule. The current requirements for posting on

the public website are 1) posting the website; 2) posting a fugitive dust control plan and 3) for some units, posting their first annual inspection report.

I am asking for your help in looking at those facilities that we thought were subject to the rule for which we cannot find websites. I am hoping you will ask your state contacts about these facilities. For some we know why they don't have a website (see the explanation in that column), but for others we are not sure. We just want to know if the state might have any information about them, i.e., whether they are still in operation, whether they have no on-site CCR landfills or surface impoundments, or whether we should expect them to have a website (i.e., they are subject to the rule). I am also attaching 257.50 which explains who is subject to the rule, in case you have questions. Also, here is a link to some frequently asked questions about who is subject to the rule:

<https://www.epa.gov/coalash/frequent-questions-about-scope-and-purpose-and-implementing-final-rule-regulating-disposal>

If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Website")
Date: Tuesday, May 31, 2016 1:13:00 PM
Attachments: [image001.png](#)
[Citizen-BREDL-NC-Control-Vick Final 3-3-16.pdf](#)
Importance: High

Jon,

I've been having some apparent 'on-and-off-again' issues with my email lately. Did you receive the message below that I sent to Mary last Thursday morning?

I'm just wondering if it went through or not, as I've not received a comment or response from Mary (or anyone else). Also, I'm still waiting to hear back from Ed and/or the facility directly in order to get the info to ORCR for their review/determination.

Thanks.

Davy

From: Simonson, Davy
Sent: Thursday, May 26, 2016 11:04 AM
To: Jackson, Mary
Cc: Souders, Steve ; Livnat, Alexander ; Eby, Elaine ; Dufficy, Craig ; Chow, Rita ; Johnston, Jon ; Mooney, Susan ; Farmer, Alan ; Devlin, Betsy ; Pallas, Jeff ; Bassett, Jay ; Simonson, Davy
Subject: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Importance: High

Hi Mary.

There is another disposal facility in North Carolina that appears to have not been included on any of the original HQ CCR rule facility universe lists (somewhat similar situation as the Halifax County Ash Landfill). It appears that this "new" facility may also be a potential candidate for the *FR* CCR Open Dump list due to not having a Website, etc.

Yesterday, Region 4 learned from NCDEQ that one of the two facilities in the State that was converted from a shale/clay mining pit to a lined CCR disposal facility, as permitted under the State's Coal Ash Management Act of 2014 (CAMA), was/is receiving CCR from Duke Energy. The facility receiving the CCR is known as Brickhaven, and is permitted by the State as a "Solid Waste Management Facility Structural Fill, Mine Reclamation". It is located in Moncure, Chatham County, NC. The other, known as the Colon facility and located in Sanford, Lee County, NC, is not yet receiving CCR, as confirmed by NCDEQ. Here are two links with additional information:

<http://deq.nc.gov/news/hot-topics/coal-ash-nc/moving-forward-coal-ash> ,
<http://www.chathamnc.org/index.aspx?page=1791> .

Background Info: The attached letter from Region 4 to the Blue Ridge Environmental Defense League (BREDL) addressed these two converted shale/clay mining pits and stated EPA's view that they are "subject to the applicable provisions" of the CCR rule. This is the letter that has the language (in paragraphs 2 and 3) that Region 4's Regional Counsel and ORCR Management (Betsy) collaborated on and agreed upon, and that Region 4 shared with the EPA CCR Rule Implementation Workgroup for other regions to use, if/as needed.

I was informed by NCDEQ yesterday that the Brickhaven owner/operator believes that the facility satisfactorily meets the four beneficial use criteria in the federal CCR rule, and is thereby exempt from requirements in the Part 257 regulations. However, that conclusion by the facility was apparently not shared with the State or with EPA. I asked Ed Mussler, NCDEQ's solid waste permitting chief, to share our letter to BREDL with the facility. Also, Ed said that he would ask the Brickhaven o/o to send his information/summary about why he believes the facility is exempt from the federal CCR rule to us for review. Upon receipt, I will forward that information to ORCR.

Davy

From: Simonson, Davy

Sent: Thursday, April 28, 2016 8:39 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Update from North Carolina DEQ:

- Halifax County Ash Monofill, which accepts Roanoke Valley Energy Facilities' CCR, is subject to the federal rule and belongs on the EPA Open Dump list as it currently does not have the requisite Website. The landfill reportedly was unaware (Roanoke apparently did not inform them) of their responsibilities in accepting CCR. The State is working with the landfill o/o to help them out. Future inquiries to NC regarding CCR rule issues and/or the State's Coal Ash Management Act of 2014 (CAMA) should be directed to R4's primary solid waste contact in NC, Ed Mussler (919-707-8281), DEQ's SW Permitting Branch Supervisor.

Update from Georgia EPD:

- Georgia Power Company has confirmed to EPD that their Grumman Road landfill "ceased receiving CCRs before 10/14/15". Thus, it does not belong on EPA's OD list.
- The Crisp County Power Commission's "Crisp Plant" is another facility, similar to the Halifax County Ash Monofill in NC, that apparently was unaware of the federal CCR rule. Georgia EPD has requested that EPA/ORCR provide assistance with determining whether or not the facility is subject to the rule. If the facility is, then the Crisp Plant does belong on the EPA OD list as it currently does not have the requisite Website. (Details on the Crisp Plant and EPD's request to follow in a separate email.)

From: Simonson, Davy

Sent: Wednesday, April 27, 2016 7:37 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: GA Info - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Georgia EPD has provided the following information to Region 4 via email and telephone conversation:

Plant Crisp (i.e., Crisp County, GA) – Georgia EPD has confirmed with an engineer at Plant Crisp that they have not created a website. There is an ash pond onsite still containing water, so it appears that the facility is subject to the federal CCR rule. "They are aware that they missed compliance requirements and are currently working with their consultant ... on how to proceed."

- The facility appears to have not been fully aware of the CCR rule and its requirements.
- R4 has asked GA EPD to follow-up with the facility and/or their consultant to confirm that their fuel mix is >50% coal (per 257.50(f)), and to inquire as to whether any CCR has been/is being sent to any off-site facility that may potentially also be subject to the rule.

Plant Kraft (Georgia Power, Southern Company) - Ash from Plant Kraft has been disposed at the following three facilities:

1. Georgia Power's Grumman Road Landfill
2. Waste Management - Superior Landfill
3. Republic Waste - Savannah Regional Landfill

- Grumman Road Landfill is not an MSWLF. Region 4 has asked GA EPD to follow-up with Georgia Power in

order to determine the dates of Kraft plant CCR disposal at this landfill, and also whether this landfill has accepted CCR from any other plants on or after 10/19/15. GA EPD does not believe it has a website. R4 will notify ORCR upon receipt of additional information from the State.

- Both the Superior LF and the Savannah Regional LF are confirmed by GA EPD to be MSWLFs.
- As noted earlier, Plant Kraft itself is exempt from the rule as it ceased generating power prior to 10/19/15.

From: Simonson, Davy

Sent: Tuesday, April 26, 2016 10:12 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in south central Georgia (off I-75 near Cordele and Lake Blackshear). Here's their website, <https://crispcountypower.com/>. I am still waiting to hear back from Georgia EPD about coal use and coal ash disposition for the Crisp County plant, since the State reportedly had no previous regulatory involvement with them. It could be that coal is <50% of the fuel burned (?). Crisp started out 100% hydroelectric, up until 1957, according to this: https://en.wikipedia.org/wiki/Crisp_County_Power_Commission. I have not yet heard back from NC DEQ about the Halifax disposal facility. I'll provide updates once I hear back from GA (Crisp and Kraft's plan) and NC (Roanoke/Halifax).

From: Jackson, Mary

Sent: Tuesday, April 26, 2016 8:19 AM

To: Simonson, Davy <Simonson.Davy@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Davey,

Thank you. Just to confirm:

Northside (FL) will be removed as will Stanton (FL)

Kraft (GA) will be removed

Could Crisp Plant be Crist Plant? I found a website for Crist Plant <http://www.gulfpower.com/about-us/background/coal-ash-rule.cshtml> Is this the same plant?

Roanoke Valley I and II (NC) will be removed. Any info you could get on Halifax County Ash Monofill would be appreciated.

Roxboro, Southport and the DOE facility will all be removed from the list.

Thanks again for all your help. Let me know if you come up with anything on the Halifax County Monofill.

From: Simonson, Davy

Sent: Monday, April 25, 2016 1:53 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Hi Mary.

Anyhoo, please see my comments on the spreadsheet and below, to help clarify which ones may legitimately belong and which apparently do not belong. GA, NC and SC are still investigating a few items for us (noted below), and I'll forward that information upon receipt.

[illegible]

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as “Plants Without Websites”. I’ve attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.

- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on this, so I included most folks I know are on ORCR's CCR team in one capacity or another.

I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states' spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

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- The OUC (Stanton) facility has a website. The link is: www.oucccr.com .
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Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.

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- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>;

Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

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If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: some more info on CCR "beneficial use" placement in clay mines
Date: Wednesday, August 10, 2016 4:45:00 PM

From: Jackson, Mary
Sent: Wednesday, July 27, 2016 3:07 PM
To: Livnat, Alexander
Cc: Souders, Steve ; Behan, Frank ; Chow, Rita ; Simonson, Davy
Subject: RE: some more info on CCR "beneficial use" placement in clay mines
Interesting! I spoke with Danny Gray of Charah this morning. He claims what they are doing is BU, said he didn't know about their attorney/consultant being asked for info by R4 and said he will send me the documentation. Looks like Hoffy already has it...

From: Livnat, Alexander
Sent: Wednesday, July 27, 2016 3:01 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>
Cc: Souders, Steve <Souders.Steve@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>
Subject: Fw: some more info on CCR "beneficial use" placement in clay mines
In reference to the yesterday's meeting with Region 4, the two attached documents describe presumable CCR BU projects in North Carolina, performed jointly by Chara and Duke Energy: only the second document describes the Colon and Brikhaven sites, confirming that the Colon site is slated to start receiving CCR only in 2017.

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>
Sent: Wednesday, July 27, 2016 2:26 PM
To: Livnat, Alexander
Subject: some more info on CCR "beneficial use" placement in clay mines
Take a look. Please pass along to Rita maybe Kim.

Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

Mobile: 703-402-6317

45610 Woodland Road, Suite 400

Sterling, VA 20166

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From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: some more info on CCR "beneficial use" placement in clay mines
Date: Wednesday, August 10, 2016 4:54:00 PM

From: Livnat, Alexander
Sent: Wednesday, July 27, 2016 3:46 PM
To: Jackson, Mary
Cc: Souders, Steve ; Behan, Frank ; Chow, Rita ; Simonson, Davy
Subject: Re: some more info on CCR "beneficial use" placement in clay mines
Actually, the BU record we were seeking from Chara/Brickhaven arrived from D. Gray at 3:10 PM. I suggest that you share it also with Laurel.
BTW, from a quick read through that document I am under the impression that the bottom liner has higher permeability than we have required for a landfill (10-5 cm/sec vs. 10-7 cm/sec.), but then, under BU criterion #4, we did not have a specific liner provision for the BU of CCR, only a requirement that the CCR application won't pose an environmental/health risk greater than that posed by the application of a non-CCR material.
Alex

From: Jackson, Mary
Sent: Wednesday, July 27, 2016 3:06:49 PM
To: Livnat, Alexander
Cc: Souders, Steve; Behan, Frank; Chow, Rita; Simonson, Davy
Subject: RE: some more info on CCR "beneficial use" placement in clay mines
Interesting! I spoke with Danny Gray of Chara this morning. He claims what they are doing is BU, said he didn't know about their attorney/consultant being asked for info by R4 and said he will send me the documentation. Looks like Hoffy already has it...

From: Livnat, Alexander
Sent: Wednesday, July 27, 2016 3:01 PM
To: Jackson, Mary <Jackson.Mary@epa.gov>
Cc: Souders, Steve <Souders.Steve@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Cochran, Kimberly <cochran.kimberly@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>
Subject: Fw: some more info on CCR "beneficial use" placement in clay mines
In reference to the yesterday's meeting with Region 4, the two attached documents describe presumable CCR BU projects in North Carolina, performed jointly by Chara and Duke Energy: only the second document describes the Colon and Brikhaven sites, confirming that the Colon site is slated to start receiving CCR only in 2017.

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>
Sent: Wednesday, July 27, 2016 2:26 PM
To: Livnat, Alexander
Subject: some more info on CCR "beneficial use" placement in clay mines
Take a look. Please pass along to Rita maybe Kim.
Stephen Hoffman | Senior Environmental Scientist/Mining Specialist
Mobile: 703-402-6317

45610 Woodland Road, Suite 400

Sterling, VA 20166

Stephen.Hoffman@tetrattech.com

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From: [Simonson, Davy](#)
To: [Johnston, Jon](#)
Subject: FW: some more info on CCR "beneficial use" placement in clay mines
Date: Wednesday, August 10, 2016 4:42:00 PM
Attachments: [Charah_BeneficialReuse.pdf](#)
[ClayMineStructuralFillProjects.pdf](#)

From: Livnat, Alexander

Sent: Wednesday, July 27, 2016 3:01 PM

To: Jackson, Mary

Cc: Souders, Steve ; Behan, Frank ; Chow, Rita ; Cochran, Kimberly ; Simonson, Davy

Subject: Fw: some more info on CCR "beneficial use" placement in clay mines

In reference to the yesterday's meeting with Region 4, the two attached documents describe presumable CCR BU projects in North Carolina, performed jointly by Chara and Duke Energy: only the second document describes the Colon and Brikhaven sites, confirming that the Colon site is slated to start receiving CCR only in 2017.

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Sent: Wednesday, July 27, 2016 2:26 PM

To: Livnat, Alexander

Subject: some more info on CCR "beneficial use" placement in clay mines

Take a look. Please pass along to Rita maybe Kim.

Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

Mobile: 703-402-6317

45610 Woodland Road, Suite 400

Sterling, VA 20166

Stephen.Hoffman@tetrattech.com

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From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Souders, Steve](#); [Livnat, Alexander](#); [Eby, Elaine](#); [Dufficy, Craig](#); [Chow, Rita](#); [Johnston, Jon](#); [Mooney, Susan](#); [Farmer, Alan](#); [Devlin, Betsy](#); [Pallas, Jeff](#); [Bassett, Jay](#); [Simonson, Davy](#)
Subject: NC Update, OD List Candidate RE: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Date: Thursday, May 26, 2016 11:03:00 AM
Attachments: [image001.png](#)
[Citizen-BREDL-NC-Control-Vick Final 3-3-16.pdf](#)
Importance: High

Hi Mary.

There is another disposal facility in North Carolina that appears to have not been included on any of the original HQ CCR rule facility universe lists (somewhat similar situation as the Halifax County Ash Landfill). It appears that this "new" facility may also be a potential candidate for the *FR* CCR Open Dump list due to not having a Website, etc.

Yesterday, Region 4 learned from NCDEQ that one of the two facilities in the State that was converted from a shale/clay mining pit to a lined CCR disposal facility, as permitted under the State's Coal Ash Management Act of 2014 (CAMA), was/is receiving CCR from Duke Energy. The facility receiving the CCR is known as Brickhaven, and is permitted by the State as a "Solid Waste Management Facility Structural Fill, Mine Reclamation". It is located in Moncure, Chatham County, NC. The other, known as the Colon facility and located in Sanford, Lee County, NC, is not yet receiving CCR, as confirmed by NCDEQ. Here are two links with additional information:

<http://deq.nc.gov/news/hot-topics/coal-ash-nc/moving-forward-coal-ash> ,
<http://www.chathamnc.org/index.aspx?page=1791> .

Background Info: The attached letter from Region 4 to the Blue Ridge Environmental Defense League (BREDL) addressed these two converted shale/clay mining pits and stated EPA's view that they are "subject to the applicable provisions" of the CCR rule. This is the letter that has the language (in paragraphs 2 and 3) that Region 4's Regional Counsel and ORCR Management (Betsy) collaborated on and agreed upon, and that Region 4 shared with the EPA CCR Rule Implementation Workgroup for other regions to use, if/as needed.

I was informed by NCDEQ yesterday that the Brickhaven owner/operator believes that the facility satisfactorily meets the four beneficial use criteria in the federal CCR rule, and is thereby exempt from requirements in the Part 257 regulations. However, that conclusion by the facility was apparently not shared with the State or with EPA. I asked Ed Mussler, NCDEQ's solid waste permitting chief, to share our letter to BREDL with the facility. Also, Ed said that he would ask the Brickhaven o/o to send his information/summary about why he believes the facility is exempt from the federal CCR rule to us for review. Upon receipt, I will forward that information to ORCR.

Davy

From: Simonson, Davy
Sent: Thursday, April 28, 2016 8:39 AM
To: Jackson, Mary
Cc: Souders, Steve ; Livnat, Alexander ; Eby, Elaine ; Dufficy, Craig ; Chow, Rita ; Johnston, Jon ; Mooney, Susan
Subject: NC & GA Info Updates - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Update from North Carolina DEQ:

- Halifax County Ash Monofill, which accepts Roanoke Valley Energy Facilities' CCR, is subject to the federal rule and belongs on the EPA Open Dump list as it currently does not have the requisite Website. The landfill reportedly was unaware (Roanoke apparently did not inform them) of their responsibilities in accepting CCR. The State is working with the landfill o/o to help them out. Future inquiries to NC regarding CCR rule issues and/or the State's Coal Ash Management Act of 2014 (CAMA) should be directed to R4's primary solid waste contact in NC, Ed Mussler (919-707-8281), DEQ's SW Permitting Branch Supervisor.

Update from Georgia EPD:

- Georgia Power Company has confirmed to EPD that their Grumman Road landfill “ceased receiving CCRs before 10/14/15”. Thus, it does not belong on EPA’s OD list.
- The Crisp County Power Commission’s “Crisp Plant” is another facility, similar to the Halifax County Ash Monofill in NC, that apparently was unaware of the federal CCR rule. Georgia EPD has requested that EPA/ORCR provide assistance with determining whether or not the facility is subject to the rule. If the facility is, then the Crisp Plant does belong on the EPA OD list as it currently does not have the requisite Website. (Details on the Crisp Plant and EPD’s request to follow in a separate email.)

From: Simonson, Davy

Sent: Wednesday, April 27, 2016 7:37 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: GA Info - RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Georgia EPD has provided the following information to Region 4 via email and telephone conversation:

Plant Crisp (i.e., Crisp County, GA) – Georgia EPD has confirmed with an engineer at Plant Crisp that they have not created a website. There is an ash pond onsite still containing water, so it appears that the facility is subject to the federal CCR rule. “They are aware that they missed compliance requirements and are currently working with their consultant ... on how to proceed.”

- The facility appears to have not been fully aware of the CCR rule and its requirements.
- R4 has asked GA EPD to follow-up with the facility and/or their consultant to confirm that their fuel mix is >50% coal (per 257.50(f)), and to inquire as to whether any CCR has been/is being sent to any off-site facility that may potentially also be subject to the rule.

Plant Kraft (Georgia Power, Southern Company) - Ash from Plant Kraft has been disposed at the following three facilities:

1. Georgia Power’s Grumman Road Landfill
2. Waste Management - Superior Landfill
3. Republic Waste - Savannah Regional Landfill

- Grumman Road Landfill is not an MSWLF. Region 4 has asked GA EPD to follow-up with Georgia Power in order to determine the dates of Kraft plant CCR disposal at this landfill, and also whether this landfill has accepted CCR from any other plants on or after 10/19/15. GA EPD does not believe it has a website. R4 will notify ORCR upon receipt of additional information from the State.
- Both the Superior LF and the Savannah Regional LF are confirmed by GA EPD to be MSWLFs.
- As noted earlier, Plant Kraft itself is exempt from the rule as it ceased generating power prior to 10/19/15.

From: Simonson, Davy

Sent: Tuesday, April 26, 2016 10:12 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")
Crisp and Crist are two different facilities. Crist is a Gulf Power (i.e., Southern Company) plant in Florida. Crisp is a hydroelectric-coal-natural gas co-generation plant owned and operated by Crisp County Power Commission in south central Georgia (off I-75 near Cordele and Lake Blackshear). Here’s their website, <https://crispcountypower.com/>. I am still waiting to hear back from Georgia EPD about coal use and coal ash disposition for the Crisp County plant, since the State reportedly had no previous regulatory involvement with

them. It could be that coal is <50% of the fuel burned (?). Crisp started out 100% hydroelectric, up until 1957, according to this: https://en.wikipedia.org/wiki/Crisp_County_Power_Commission .
I have not yet heard back from NC DEQ about the Halifax disposal facility. I'll provide updates once I hear back from GA (Crisp and Kraft's plan) and NC (Roanoke/Halifax).

From: Jackson, Mary

Sent: Tuesday, April 26, 2016 8:19 AM

To: Simonson, Davy <Simonson.Davy@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: RE: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Davey,

Thank you. Just to confirm:

Northside (FL) will be removed as will Stanton (FL)

Kraft (GA) will be removed

Could Crisp Plant be Crist Plant? I found a website for Crist Plant <http://www.gulfpower.com/about-us/background/coal-ash-rule.cshtml> Is this the same plant?

Roanoke Valley I and II (NC) will be removed. Any info you could get on Halifax County Ash Monofill would be appreciated.

Roxboro, Southport and the DOE facility will all be removed from the list.

Thanks again for all your help. Let me know if you come up with anything on the Halifax County Monofill.

From: Simonson, Davy

Sent: Monday, April 25, 2016 1:53 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: UPDATE to "List of 44" Potential CCR Open Dumps due to no Website - RE: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Hi Mary.

I've extracted the nine Region 4 facilities that made the "List of 44" (i.e., the most recent Spreadsheet sent to the Workgroup via Susan's 4/20/16, ~11:23 am email) and included them in the attached R4-facilities-only spreadsheet. Jon and I are not quite sure why some of the nine were still on the potential Open Dump list, as the comments that were included in the latest spreadsheet seemed to indicate legitimate reasons why some of the facilities appear to be exempt from the rule (thus not required to have a website).

Anyhoo, please see my comments on the spreadsheet and below, to help clarify which ones may legitimately belong and which apparently do not belong. GA, NC and SC are still investigating a few items for us (noted below), and I'll forward that information upon receipt.

- Northside (FL) – Appears to be exempt from the rule, per 257.50(f). FDEP has stated that they've been informed the fuel mix is only ~20% coal, and the facility has stated that they are thereby exempt from the rule.
- Stanton (FL) – Facility does have a website, www.oucccr.com (per email of 4/12/16, below).
- Kraft (GA) – Appears to be exempt from the rule per 257.50(d) and (e). However, EPD believes that Plant Kraft's ash will be relocated to another Georgia Power Company facility. If so, that other plant would need to have a website (if it doesn't already). GA EPD is seeking current information to confirm for us what the specific situation is/will be.
- Crisp County (GA) – GA EPD has not had contact with Crisp County, but is tracking down needed information for us.
- Roanoke Valley Fac I (NC) – Halifax County Ash Monofill (industrial landfill) may be subject to the rule, and if

so, should have a website. However, ND DEQ is investigating for us whether or not the Roanoke Valley facility is still operating/generating, and if the County's landfill is still accepting CCR.

- Roanoke Valley Fac II (NC) – ditto
- CPI Roxboro (NC) – Appears to be exempt from the rule, per 257.50(f), i.e., coal fraction of fuel mix is reportedly significantly below 50%. Also, NC DEQ has confirmed that the Upper Piedmont Environmental Landfill is a MSWLF, i.e., exempt per 257.50(i).
- CPI Southport (NC) – Appears to be exempt from the rule, per 257.50(f), i.e., coal fraction of fuel mix is reportedly significantly below 50%. Also, NC DEQ has confirmed that the Sampson County Landfill is a MSWLF, i.e., exempt per 257.50(i).
- U.S. DOE SRS (SC) – Appears to be exempt from the rule, per 257.50(b), i.e., not an electric utility nor independent power producer (per State, per preamble definition of independent power producer). SC DHEC believes that the facility generated (and/or generates) power for itself, and is investigating this in order to confirm for us.

Davy

From: Simonson, Davy

Sent: Wednesday, April 20, 2016 1:16 PM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>

Subject: FW: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Mary,

Alabama has responded (comments below). Tennessee has not responded, but they had no facilities listed as "Plants Without Websites". I've attached the spreadsheets that I sent to AL and TN for their review. This completes the summary of comments received from our eight R4 states.

AL:

- Both of the spreadsheets are correct.....Widow's Creek did shut down and Mobile Energy services does not have any disposal units on-site.
- All of the rest have websites as required.

TN: N/A

Davy

From: Simonson, Davy

Sent: Tuesday, April 12, 2016 8:47 AM

To: Jackson, Mary <Jackson.Mary@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Eby, Elaine <Eby.Elaine@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: R4 States' Input on ORCR's Draft Spreadsheet for CCR Open Dump Determination (i.e., "Plants With/Plants Without Websites")

Importance: High

Hi Mary.

Please find in the attached spreadsheets, and below, specific information that Region 4 has received from six of our eight states. This information request to the states was per your previous requests to the CCRR Implementation Workgroup regarding the given Subject. I'm not sure who else at ORCR needed to be copied on this, so I included most folks I know are on ORCR's CCR team in one capacity or another. I followed Susan Mooney's lead and created individual spreadsheets and emails for each state, so as not to make them comb through all states' data. The spreadsheets returned by each state are attached. Some states'

spreadsheets have comments incorporated, some provided written comments only (e.g., Mississippi), others did both.

I've asked AL and TN again for a quick review and for any information they would like to submit, and will send that to you upon receipt.

AL: Yet to respond.

FL:

- The OUC (Stanton) facility has a website. The link is: www.oucccr.com .
- The Polk (Lakeland Electric) facility has a website. The link is <https://www.lakelandelectric.com/Portals/LakelandElectric/Docs/Publications/WEB%20Version%201%20-%20CCR%20Fugitive%20Dust%20-PE%20Signed%20-%20MPP%202015%20w-Cover%20Sheet.pdf> .
- The JEA Northside Generating Station does not have a website because this facility burns 80% "petcoke" and as a result, the facility has determined that the CCR rule does not apply to this facility. This facility is still in operation, and operates under various permits issued by the FDEP. The FDEP is not aware of any plans for closure of this facility.
- Follow up questions for Florida facilities can be directed to Jim Jarmolowski, P.G., FDEP Solid Waste Section, 850-245-8856.

GA:

- Revisions are highlighted in the attached spreadsheet. Georgia EPD confirmed with Georgia Power Company that Plant Kraft closed before the deadline in the CCR rule. They will be fully removing the waste to another site.
- Follow up questions for Georgia facilities can be directed to Melanie Henry, P.E., EPD Solid Waste Management Program, 404-362-2565.

KY:

- See attached revised spreadsheet; Changes are in yellow highlight.
- Follow up questions for Kentucky facilities can be directed to Danny Anderson, P.E., KDEP/DWM Solid Waste Branch, 502-564-6716 ext. 4664

MS:

- The Red Hills Generation facility's Web information is at <http://cglplllpccr.com/> .
- The Henderson plant has not burned coal in a number of years, and so that plant does not generate CCR any longer.
- The Jack Watson Plant in Gulfport has also transitioned to natural gas and no longer burns coal. Mississippi Power Company (owner of the Jack Watson Plant) has deactivated all CCR units, which are in process of closure.
- Follow up questions for Mississippi facilities can be directed to Mark Williams, P.E., MDEQ Solid Waste & Recycling Programs, 601-961-5304.

NC:

- Updated the spreadsheet (revisions are not highlighted, so information in the attached spreadsheet will need to be compared to ORCR's original spreadsheet). From information in email exchanges, they: Added a "NC DEQ Comment" column; Crossed out one Website; Moved one facility to the non-Website page, since it does not have onsite storage; Also, added additional information about some of the facilities.
- State is not sure that all of the listed facilities fall under the definition of utility subject to the federal CCR rule – thus, why they likely do not have websites (all of the Duke/Progress Energy ones do).
- Comments from State: Facilities only have to have Websites if: 1) they are currently generating power from any fuel source, and 2) actually have a landfill or impoundment. The utility must fall under NAICS code 221112. State assuming that ORCR pulled the smaller guys from there.
- Follow up questions for North Carolina facilities can be directed to Shawn McKee, Environmental Senior Specialist, NC DEQ/DWM Solid Waste Section, 919-707-8284.

SC:

- The "Plants with CCR Websites" inventory is complete, i.e., all eight sites in SC which are subject to the CCR

Rule are accounted for on EPA's list:

1. Cope (SCANA)
2. Cross (Santee Cooper)
3. HB Robinson (Duke)
4. Jefferies (Santee Cooper)
5. WS Lee (Duke)
6. Wateree (SCANA)
7. Williams (SCANA)
8. Winyah (Santee Cooper)

- For the "Plants without CCR Websites" tab, SC updated the "Reason for No Website" column for both Urquhart (SCANA) and Savannah River Site (US DOE) to reflect the following:
 - Urquhart (SCANA) is not subject to the CCR rule because its only CCR disposal units, two surface impoundments and one landfill, have been closed by DHEC, and the plant is no longer burning coal. The surface impoundments were clean-closed in 2012, and the landfill was placed in post-closure care in 2012.
 - US DOE Savannah River Site (D Area) is not subject to the CCR rule because, per §257.50(b), only "units that dispose or otherwise engage in solid waste management of CCR generated from the combustion of coal at electric utilities and independent power producers" are subject to the rule. Savannah River Site is neither an electric utility nor an independent power producer.
- Follow up questions for South Carolina facilities can be directed to Patrick Brownson, Engineer Associate, SC DHEC Mining & SW Permitting Section, 803-898-1367.

TN: Yet to respond.

That is all, for now.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Jackson, Mary

Sent: Monday, March 21, 2016 1:49 PM

To: Iglesias, Ariel <Iglesias.Ariel@epa.gov>; Poetzsch, Michael <Poetzsch.Michael@epa.gov>; Ney, Frank <Ney.Frank@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>; Staniec, Carol <staniec.carol@epa.gov>; Mooney, Susan <mooney.susan@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Moran, Nicole <moran.nicole@epa.gov>; Bents, Benjamin <Bents.Benjamin@epa.gov>; Wall, Steve <Wall.Steve@epa.gov>; Calabro, Domenic <calabro.domenic@epa.gov>

Subject: Fw: list of facilities found with websites/FDP and list without for SWMP workgroup members

Hello Regional SWMP Workgroup Members,

Attached is a spreadsheet that includes a page entitled Plants without CCR Websites. As I mentioned on the last workgroup call, ORCR is required to publish a list of open dumps this spring for the CCR rule. An open dump is a CCR unit that is not in compliance with the rule. The current requirements for posting on the public website are 1) posting the website; 2) posting a fugitive dust control plan and 3) for some units, posting their first annual inspection report.

I am asking for your help in looking at those facilities that we thought were subject to the rule for which we cannot find websites. I am hoping you will ask your state contacts about these facilities. For some we know why they don't have a website (see the explanation in that column), but for others we are not sure. We just want to know if the state might have any information about them, i.e., whether they are still in operation, whether they have no on-site CCR landfills or surface impoundments, or whether we should expect them to have a website (i.e., they are subject to the rule). I am also attaching 257.50 which explains who is subject to the rule, in case you have questions. Also, here is a link to some frequently

asked questions about who is subject to the rule:

<https://www.epa.gov/coalash/frequent-questions-about-scope-and-purpose-and-implementing-final-rule-regulating-disposal>

If you're not sure, just make a note about what you find out and we can investigate further.

I would like this information by April 5 if at all possible. Thank you so much for your help.

Mary

From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Johnston, Jon](#)
Subject: Proper Name for... RE: Brickhaven
Date: Wednesday, August 24, 2016 9:54:00 AM
Attachments: [CCR-Brickhaven-NC'sSWMFacilityPermit-6-5-15.pdf](#)
[CCR-Brickhaven-NC'sMiningPermit-6-5-15.pdf](#)

Good morning Mary.

I use proper names as they appear on state permits (e.g., when writing a controlled correspondence response letter about a landfill).

Per the North Carolina Solid Waste Management Facility Permit, the proper name of the facility is "BRICKHAVEN NO.2 MINE TRACT "A" MINE STRUCTURAL FILL".

Per the State's Mining Permit, the proper name is simply "BRICKHAVEN NO.2 MINE TRACT "A"".

Both permits are attached.

Yes, please include Jon and I on the invite for the Charra call. Thank you.

Davy

-----Original Message-----

From: Jackson, Mary
Sent: Wednesday, August 24, 2016 9:08 AM
To: Simonson, Davy <Simonson.Davy@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>
Subject: Brickhaven

Hi Jon & Davy,
Is the actual name of the facility Brickhaven Mine Tract #2?

Open dump list is ready to go, we (Rita, Laurel and myself) are planning to set up a time to talk to Charra on Thursday if possible. Do you want to join? thanks, Mary

From: [Simonson, Davy](#)
To: [Jackson, Mary](#)
Cc: [Chow, Rita](#); [Livnat, Alexander](#); [Souders, Steve](#); [Behan, Frank](#); [Johnston, Jon](#)
Subject: RE: BU documentation
Date: Thursday, August 11, 2016 10:46:00 AM

At the end of Mr. Gray's second paragraph, the last sentence abruptly ends: "The project documents are housed in a website at " (?)

-----Original Message-----

From: Jackson, Mary
Sent: Thursday, August 11, 2016 9:46 AM
To: Simonson, Davy <Simonson.Davy@epa.gov>
Cc: Chow, Rita <Chow.Rita@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>
Subject: RE: BU documentation

Hi Davy,
I'm not following you about something being missing...what are you referring to?

The June 7 is referring to the June 14 call between you and Mr. McGraft...I mistakenly said it was on June 7 on my call with Danny Gray and he is correcting me in his email.

From: Simonson, Davy
Sent: Thursday, August 11, 2016 9:40 AM
To: Jackson, Mary
Cc: Chow, Rita; Livnat, Alexander; Souders, Steve; Behan, Frank; Johnston, Jon
Subject: FW: BU documentation

Good morning Mary.

In re-reading the message below from Mr. Gray that you forwarded, it appears that something is missing at the end of the second paragraph.

Also, do you know where the June 7 reference came from in the summary that Mr. McGrath apparently provided to Mr. Gray? Overall, Mr. McGrath's summary jives with my notes of our June 14th call for the most part. He and I agreed that the next step, if Charah voluntarily chose to provide their consultant's analysis document to EPA for our review, should be a call between all involved parties (and we also mutually agreed that NC DEQ should be on such a call, which is not indicated in the summary below).

Davy

From: Jackson, Mary
Sent: Wednesday, July 27, 2016 3:10 PM
To: Chow, Rita <Chow.Rita@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Livnat, Alexander <Livnat.Alexander@epa.gov>; Souders, Steve <Souders.Steve@epa.gov>; Celeste, Laurel <celeste.laurel@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>
Subject: FW: BU documentation

From: Danny Gray [<mailto:DGray@charah.com>]
Sent: Wednesday, July 27, 2016 3:06 PM
To: Jackson, Mary <Jackson.Mary@epa.gov><<mailto:Jackson.Mary@epa.gov>>>
Cc: Peter McGrath <petermcgrath@mvalaw.com><<mailto:petermcgrath@mvalaw.com>>>
Subject: RE: BU documentation

Ms. Jackson;

To followup on our call earlier today, I contacted Peter McGraft to discuss his understanding of the communications between EPA Region IV-Davey Simonson and himself related to Charah's Brickhaven Beneficial Use site located in Chatham County. His notes from the conversation with Davey are clarified below and convey his understanding of that call. However, responding to your email request, I am forwarding the requested documents.

Attached are two documents related to Charah's Chatham County Beneficial Use site. One is the demonstration report (dated 2/23/15) which addresses the four qualifying criteria for meeting the definition of Beneficial Use and the second is a letter sent to EPA on June 23, 2016 addressed to Mathy Stanislaus requesting clarification regarding website requirements for beneficial use projects. The project documents are housed in a website at

As it relates to the phone call with Region IV, Peter McGrath spoke with Davy Simonson of Region IV on June 14 (not June 7). Mr. Simonson explained that EPA was in the early stages of determining how to handle CCR sites on the open dump inventory. Mr. Simonson indicated that EPA was aware of the Colon and Brickhaven sites as a result of public requests for information, and learned from NC DEQ that there were no websites for those facilities. Peter explained that the facilities were beneficial use sites and not landfills so no websites are required. Peter indicated that Charah had obtained an analysis of that issue but that he would check with the Charah to determine what information we could readily provide. Mr. Simonson indicated that the next step should be a call among Charah, EPA HQ and Region IV.

If there are additional questions, please contact me.

Danny L. Gray
Executive Vice President for Governmental/Environmental Affairs |Charah, Inc.
Mobile: 502-410-9295 | Office: 502-245-1353 | Direct: 502-815-5017 |
DGray@charah.com<<mailto:DGray@charah.com>> | <http://www.charah.com><<http://www.charah.com>>

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DGray@charah.com<<mailto:DGray@charah.com>> | <http://www.charah.com><<http://www.charah.com>>

From: Jackson, Mary [<mailto:Jackson.Mary@epa.gov>]
Sent: Wednesday, July 27, 2016 1:30 PM
To: Danny Gray <DGray@charah.com><<mailto:DGray@charah.com>>>
Subject: BU documentation

FROM EXTERNAL DOMAIN

Danny,
I would appreciate if you could forward your BU demonstration documentation to me.
Thanks,
Mary

From: [Simonson, Davy](#)
To: ["Peter McGrath"](#)
Subject: RE: Charah Coal Ash Structural Fill Sites in North Carolina
Date: Tuesday, June 14, 2016 10:51:00 AM
Attachments: [image001.png](#)

Good morning Mr. McGrath.

Thank you for the well wishes....much, much better now than a week ago.

I'm free between 2 - 4 pm today for our telephone call, if that fits your schedule.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

From: Peter McGrath [mailto:petermcgrath@mvalaw.com]

Sent: Monday, June 13, 2016 2:48 PM

To: Simonson, Davy

Subject: RE: Charah Coal Ash Structural Fill Sites in North Carolina

Mr. Simonson:

I received your voice message this morning. Thanks very much for returning my call, and I am sorry to learn of your recent illness. I hope you are fully recovered. I have been in meeting all day today, and will be in another meeting for most of the rest of the day as well. Would it be possible for us to speak tomorrow afternoon (June 14)?

Many thanks,

Peter

From: Peter McGrath

Sent: Wednesday, June 08, 2016 3:38 PM

To: 'simonson.davy@epa.gov' <simonson.davy@epa.gov>

Subject: Charah Coal Ash Structural Fill Sites in North Carolina

Mr. Simonson:

I hope all is well with you. This firm represents Charah, Inc. in connection with the coal ash structural fill sites Charah operates in Lee and Chatham counties in North Carolina. I would like to discuss the status of those sites with you. Do you have any availability tomorrow or Friday for a call?

Best regards,

Peter

Peter J. McGrath, Jr. Attorney at Law mcgrathp@mvalaw.com 704.331.1081 Fax: 704.378.2081

Moore & Van Allen PLLC Suite 4700 100 North Tryon Street Charlotte, NC 28202

[Bio](#)



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From: [Peter McGrath](#)
To: [Simonson_Davy](#)
Subject: RE: Charah Coal Ash Structural Fill Sites in North Carolina
Date: Tuesday, June 14, 2016 11:27:51 AM
Attachments: [image002.png](#)

Mr. Simonson:

Thanks for the note. I will plan to call you at about 3:00 this afternoon.

Regards,

Peter

From: Simonson, Davy [mailto:Simonson.Davy@epa.gov]

Sent: Tuesday, June 14, 2016 10:52 AM

To: Peter McGrath

Subject: RE: Charah Coal Ash Structural Fill Sites in North Carolina

Good morning Mr. McGrath.

Thank you for the well wishes....much, much better now than a week ago.

I'm free between 2 - 4 pm today for our telephone call, if that fits your schedule.

Davy Simonson | Solid Waste Specialist

Resource Conservation and Restoration Division | Region 4

U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

☎ 404-562-8457 ✉ simonson.davy@epa.gov 🌐 www.epa.gov

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Sent: Monday, June 13, 2016 2:48 PM

To: Simonson, Davy <Simonson.Davy@epa.gov>

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Peter

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[Bio](#)



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communication. --

From: [Peter McGrath](#)
To: [Simonson_Davy](#)
Subject: RE: Charah Coal Ash Structural Fill Sites in North Carolina
Date: Monday, June 13, 2016 2:48:27 PM

Mr. Simonson:

I received your voice message this morning. Thanks very much for returning my call, and I am sorry to learn of your recent illness. I hope you are fully recovered. I have been in meeting all day today, and will be in another meeting for most of the rest of the day as well. Would it be possible for us to speak tomorrow afternoon (June 14)?

Many thanks,
Peter

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From: [Simonson, Davy](#)
To: [Livnat, Alexander](#)
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke
Date: Tuesday, July 26, 2016 12:04:00 PM

Thank you sir.

From: Livnat, Alexander
Sent: Tuesday, July 26, 2016 11:57 AM
To: Simonson, Davy
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke

Yes, I have: I am awaiting responses from the prospective participants on our side and will then share with them the documents. I'll let you know shortly after 2 PM today.

Alexander Livnat, Ph.D
Environmental Scientist
EPA's Office of Resource Conservation and Recovery/OSWER
1200 Pennsylvania Ave., NW (5304P)
Washington, DC 20460
703-308-7251
livnat.alexander@epa.gov
Actual/Courier: One Potomac Yard
2777 S. Crystal Drive
6th Floor, Cubicle #6826
Arlington, VA 22202-3553

From: Simonson, Davy
Sent: Tuesday, July 26, 2016 11:16 AM
To: Livnat, Alexander <Livnat.Alexander@epa.gov>
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke

Hi Alex.

Will 4:30 pm be too late? Jon and I are meeting at 4:15 pm-onward on several issues (he's booked all afternoon before then). We can incorporate this discussion with y'all on the Charah sites as we have various CCR items already on our agenda for discussion.

Did you have time yet to read the BREDL letter, R4 response letter, and the Charah request to the AA?

Davy

From: Livnat, Alexander
Sent: Tuesday, July 26, 2016 8:56 AM
To: Simonson, Davy <Simonson.Davy@epa.gov>
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke

Davy,

Following consultation with Rita, I believe I was too hasty in expressing to Steve Hoffman our position concerning the adequacy of the NCDENR permit for the use of clay pits for the disposal of CCR under the aegis of BU.

When are you available this afternoon? It would be worthwhile to discuss the issue with the participation of Rita and Laurel (our council)!

Thanks,

Alexander Livnat, Ph.D

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703-308-7251
livnat.alexander@epa.gov
Actual/Courier: One Potomac Yard
2777 S. Crystal Drive
6th Floor, Cubicle #6826
Arlington, VA 22202-3553

From: Simonson, Davy

Sent: Monday, July 25, 2016 10:11 PM

To: Livnat, Alexander <Livnat.Alexander@epa.gov>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Schoenborn, William <Schoenborn.William@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Jackson, Mary <Jackson.Mary@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>

Subject: Charah, Inc. Facilities in NC - RE: Duke

Importance: High

Hi Alex.

Your second paragraph below, in response to Steve Hoffman's request (please note I did not cc Steve H. here, as this discussion is internal to EPA), is critical to the issue(s) that I sent an email about to ORCR and OGC last week, Re: candidates for future EPA CCR Open Dump Lists and beneficial use determinations (State vs. fed) for two North Carolina clay/shale mining pits converted to CCR disposal.

The o/o of the two facilities, Charah, Inc., considers them to be "off site BU projects" and seem to have assumed that what the State has permitted under NC's Coal Ash Management Act (CAMA) of 2014, to be BU under the federal CCR Rule. Charah, Inc. has written a letter (6/23/16) to (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please give me a call to discuss this further after you have had a chance to read the attachments to my 7/21/16 ~3:40 pm email (Subject line "...CCR Open Dump List Issue..."). I'm copying Rita and Frank on this since they are involved with drafting the response letter to Charah, Inc., and Mary since this concerns the CCR Open Dump List project.

Thanks.

Davy

From: Livnat, Alexander

Sent: Monday, July 25, 2016 5:38 PM

To: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>;

Benware, Richard <Benware.Richard@epa.gov>; Schoenborn, William
<Schoenborn.William@epa.gov>

Subject: Re: Duke

Steve,

Since the issue you have presented deals with EPA's R4, I have copied Dave Simonson, who I believe was involved in similar disposal permitting issues in North Carolina.

Nowhere in the NCDENR permit you have attached is it stated what type of material has been mined in the Colon Mine: if coal, then the placement of CCR is not subject to the authority of the CCR Rule; however, if this is an open pit from which other-than-coal type of material has been extracted (e.g., clay, carbonates for aggregate, etc.), then structural fill at this type of site is not considered BU but rather disposal. Since the permit was issued on June 5, 2015, this operation would constitute a new (Post-April 2015) disposal site, which would be subject to the Rule's requirements for new CCR LFs, including siting, liners, and groundwater monitoring. While siting considerations such as maintaining a minimum separation of 5 feet between the bottom of the pit and the top of the aquifer, or a requirement for an appropriate liner are nowhere mentioned in the NCDENR permit, groundwater monitoring is required by the permit.

As to the economics of CCR removal, I suggest you contact Richard Benware and ask him to direct you to one of their economists for guidance.

Take care,

Alex Livnat

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Sent: Monday, July 25, 2016 4:10:46 PM

To: Livnat, Alexander

Subject: Duke

I am doing some work (as a TetraTech consultant) for Region 5 on proposed CCR disposal. I am now reading up on what Duke is proposing and it appears they are placing CCR as "structural fill" in a mine. Please take a look at the NC permit. Am I correct that the CCR rule did not allow this or am I mistaken? I maalso trug to run down actual costs of excavating CCR and disposal off site. Who do I talk to at ORCR?

Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

Mobile: 703-402-6317

45610 Woodland Road, Suite 400

Sterling, VA 20166

Stephen.Hoffman@tetrattech.com

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From: [Simonson, Davy](#)
To: [Livnat, Alexander](#)
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke
Date: Tuesday, July 26, 2016 2:11:00 PM

Will do. Thanks Alex.

From: Livnat, Alexander
Sent: Tuesday, July 26, 2016 2:02 PM
To: Simonson, Davy
Cc: Celeste, Laurel ; Behan, Frank ; Jackson, Mary ; Chow, Rita ; Livnat, Alexander
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke

Hi Davy,

Please issue an invitation for the 4:30 teleconference to all the parties copied above. I have already distributed the background documents you provided us with on July 21st.

Thanks,

Alexander Livnat, Ph.D
Environmental Scientist
EPA's Office of Resource Conservation and Recovery/OSWER
1200 Pennsylvania Ave., NW (5304P)
Washington, DC 20460
703-308-7251
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Subject: Charah, Inc. Facilities in NC - RE: Duke

Importance: High

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cc Steve H. here, as this discussion is internal to EPA), is critical to the issue(s) that I sent an email about to ORCR and OGC last week, Re: candidates for future EPA CCR Open Dump Lists and beneficial use determinations (State vs. fed) for two North Carolina clay/shale mining pits converted to CCR disposal.

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[REDACTED]

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To: Livnat, Alexander

Subject: Duke

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Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

Mobile: 703-402-6317

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Sterling, VA 20166

Stephen.Hoffman@tetrattech.com

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From: [Simonson, Davy](#)
To: [Livnat, Alexander](#)
Subject: RE: Charah, Inc. Facilities in NC - RE: Duke
Date: Tuesday, July 26, 2016 11:15:00 AM

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Environmental Scientist

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From: Simonson, Davy
Sent: Monday, July 25, 2016 10:11 PM
To: Livnat, Alexander <Livnat.Alexander@epa.gov>
Cc: Souders, Steve <Souders.Steve@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Schoenborn, William <Schoenborn.William@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Jackson, Mary <Jackson.Mary@epa.gov>; Johnston, Jon <Johnston.Jon@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>
Subject: Charah, Inc. Facilities in NC - RE: Duke
Importance: High

Hi Alex.

Your second paragraph below, in response to Steve Hoffman's request (please note I did not cc Steve H. here, as this discussion is internal to EPA), is critical to the issue(s) that I sent an

email about to ORCR and OGC last week, Re: candidates for future EPA CCR Open Dump Lists and beneficial use determinations (State vs. fed) for two North Carolina clay/shale mining pits converted to CCR disposal.

The o/o of the two facilities, Charah, Inc., considers them to be "off site BU projects" and seem to have assumed that what the State has permitted under NC's Coal Ash Management Act (CAMA) of 2014, to be BU under the federal CCR Rule. Charah, Inc. has written a letter (6/23/16) to (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Please give me a call to discuss this further after you have had a chance to read the attachments to my 7/21/16 ~3:40 pm email (Subject line "...CCR Open Dump List Issue..."). I'm copying Rita and Frank on this since they are involved with drafting the response letter to Charah, Inc., and Mary since this concerns the CCR Open Dump List project.

Thanks.

Davy

From: Livnat, Alexander

Sent: Monday, July 25, 2016 5:38 PM

To: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Cc: Souders, Steve <Souders.Steve@epa.gov>; Simonson, Davy <Simonson.Davy@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>; Schoenborn, William <Schoenborn.William@epa.gov>

Subject: Re: Duke

Steve,

Since the issue you have presented deals with EPA's R4, I have copied Dave Simonson, who I believe was involved in similar disposal permitting issues in North Carolina.

Nowhere in the NCDENR permit you have attached is it stated what type of material has been mined in the Colon Mine: if coal, then the placement of CCR is not subject to the authority of the CCR Rule; however, if this is an open pit from which other-than-coal type of material has been extracted (e.g., clay, carbonates for aggregate, etc.), then structural fill at this type of site is not considered BU but rather disposal. Since the permit was issued on June 5, 2015, this operation would constitute a new (Post-April 2015) disposal site, which would be subject to the Rule's requirements for new CCR LFs, including siting, liners, and groundwater monitoring. While siting considerations such as maintaining a minimum separation of 5 feet between the bottom of the pit and the top of the aquifer, or a requirement for an appropriate liner are nowhere mentioned in the NCDENR permit, groundwater monitoring is required by the permit.

As to the economics of CCR removal, I suggest you contact Richard Benware and ask him to direct you to one of their economists for guidance.

Take care,

Alex Livnat

From: Hoffman, Stephen <Stephen.Hoffman@tetrattech.com>

Sent: Monday, July 25, 2016 4:10:46 PM

To: Livnat, Alexander

Subject: Duke

I am doing some work (as a TetraTech consultant) for Region 5 on proposed CCR disposal. I am now reading up on what Duke is proposing and it appears they are placing CCR as “structural fill” in a mine. Please take a look at the NC permit. Am I correct that the CCR rule did not allow this or am I mistaken? I maalso trug to run down actual costs of excavating CCR and disposal off site. Who do I talk to at ORCR?

Stephen Hoffman | Senior Environmental Scientist/Mining Specialist

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Sterling, VA 20166

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